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# REPORT OF THE LEGISLATIVE SUBCOMMITTEE

(Pitts, Lowe, GM Smith, Hosey & Finlay – Staff Contact: Katie Owen)

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## HOUSE BILL 3318

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H. 3318 -- Reps. Pitts, G.R. Smith, Long and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE STATE LAW ENFORCEMENT DIVISION; TO REPEAL SECTION 23-6-60 RELATING TO THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT ESTABLISHED WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER ALL THE ASSOCIATED EMPLOYEES, AUTHORIZED APPROPRIATIONS, ASSETS, AND LIABILITIES.

***Summary of Bill:***

This bill transfers the Illegal Immigration Unit from the Department of Public Safety to the State Law Enforcement Division.

***Estimated Revenue Impact:***

Pending

***Subcommittee Recommendation:***

Favorable

**South Carolina General Assembly**  
122nd Session, 2017-2018

**H. 3318**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts, G.R. Smith, Long and Tallon

Document Path: 1:\council\bills\bbm\9564dg17.docx

Introduced in the House on January 10, 2017

Currently residing in the House Committee on **Ways and Means**

Summary: Illegal Immigration Unit

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/15/2016	House	Filed
12/15/2016	House	Referred to Committee on <b>Judiciary</b>
1/10/2017	House	Introduced and read first time ( <u>House Journal-page 160</u> )
1/10/2017	House	Referred to Committee on <b>Judiciary</b> ( <u>House Journal-page 160</u> )
3/2/2017	House	Recalled from Committee on <b>Judiciary</b> ( <u>House Journal-page 17</u> )
3/2/2017	House	Recommitted to Committee on <b>Ways and Means</b> ( <u>House Journal-page 17</u> )

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**VERSIONS OF THIS BILL**

12/15/2016

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**A BILL**

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TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE STATE LAW ENFORCEMENT DIVISION; TO REPEAL SECTION 23-6-60 RELATING TO THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT ESTABLISHED WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER ALL THE ASSOCIATED EMPLOYEES, AUTHORIZED APPROPRIATIONS, ASSETS, AND LIABILITIES.

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Be it enacted by the General Assembly of the State of South Carolina:

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SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

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“Article 18

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Illegal Immigration Unit

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Section 23-3-1600. (A) There is created an Illegal Immigration Enforcement Unit within the South Carolina Law Enforcement Division (SLED). The purpose of the Illegal Immigration Enforcement Unit is to enforce immigration laws as authorized pursuant to federal laws and the laws of this State.

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(B) The Illegal Immigration Enforcement Unit is under the administrative direction of the Chief of SLED. The chief shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The chief may appoint appropriate personnel within SLED to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

1 (C)(1) The Illegal Immigration Enforcement Unit is composed of  
2 officers, agents, and employees as the chief considers necessary and  
3 proper for the enforcement of immigration laws as authorized  
4 pursuant to federal laws and the laws of this State.

5 (2)(a) The enforcement of immigration laws as authorized  
6 pursuant to federal laws and the laws of this State must be the only  
7 responsibility of the officers of the Illegal Immigration Enforcement  
8 Unit.

9 (b) The officers are commissioned by the Governor upon  
10 the recommendation of the chief.

11 (c) The officers have the same power to serve criminal  
12 processes against offenders as sheriffs of the various counties and  
13 also the same power as those sheriffs to arrest without warrants and  
14 to detain persons found violating or attempting to violate  
15 immigration laws. The officers also have the same power and  
16 authority held by deputy sheriffs for the enforcement of the criminal  
17 laws of the State.

18 (d) SLED must provide the officers with distinctive  
19 uniforms and suitable arms and equipment for use in the  
20 performance of their duties. The officers at all times, when in the  
21 performance of their duties, must wear complete uniforms with  
22 badges conspicuously displayed on the outside of their uniforms,  
23 except officers performing undercover duties. The chief shall  
24 prescribe a unique and distinctive official uniform with appropriate  
25 insignia to be worn by all officers when on duty and at other times  
26 as the chief orders, and a distinctive color or colors and appropriate  
27 emblems for all motor vehicles used by the Illegal Immigration  
28 Enforcement Unit except those designated by the chief. Any other  
29 law enforcement agency, private security agency, or any person may  
30 not wear a similar uniform and insignia that could be confused with  
31 the uniform and insignia of the Illegal Immigration Enforcement  
32 Unit. An emblem may not be used on a non-SLED motor vehicle,  
33 nor may the vehicle be painted in a color or in any manner that  
34 would cause the vehicle to be similar to an Illegal Immigration  
35 Enforcement Unit vehicle or readily confused with it. The chief shall  
36 file with the Legislative Council for publication in the State Register  
37 a description and illustration of the official Illegal Immigration  
38 Enforcement Unit uniform with insignia and the emblems of the  
39 official Illegal Immigration Enforcement Unit and motor vehicles  
40 including a description of the color of the uniforms and vehicles.

41 (D) Notwithstanding any other provision of law, the Illegal  
42 Immigration Enforcement Unit must be funded annually by a  
43 specific appropriation to the Illegal Immigration Enforcement Unit

1 in the state general appropriations act, separate and distinct from  
2 SLED's other appropriations.

3 (E) The chief shall negotiate the terms of a memorandum of  
4 agreement with the United States Immigration and Customs  
5 Enforcement pursuant to Section 287(g) of the federal Immigration  
6 and Nationality Act as soon as possible after the effective date of  
7 this act.

8 (F) Nothing in this section may be construed to prevent other  
9 law enforcement agencies of the State and political subdivisions of  
10 the State, including local law enforcement agencies, from enforcing  
11 immigration laws as authorized pursuant to federal laws and the  
12 laws of this State.

13 (G) SLED shall develop an illegal immigration enforcement  
14 training program which SLED shall offer to all local law  
15 enforcement agencies to assist any local law enforcement agency  
16 wishing to utilize the training program in the proper  
17 implementation, management, and enforcement of applicable  
18 immigration laws.”

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20 SECTION 2. The Illegal Immigration Enforcement Unit of the  
21 Department of Public Safety is transferred to and incorporated into  
22 the State Law Enforcement Division (SLED). The employees,  
23 authorized appropriations, assets, and liabilities of the unit also are  
24 transferred to and become part of SLED. All classified or  
25 unclassified personnel employed by the unit on the effective date of  
26 this act, either by contract or by employment at will, shall become  
27 employees of SLED, with the same employment status,  
28 compensation, classification, and grade level, as applicable.

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30 SECTION 3. Section 23-6-60 of the 1976 Code is repealed.

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32 SECTION 4. This act takes effect July 1, 2017.

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