

## Session 119 - (2011-2012)

**S\*0020 (Rat #0103, Act #0069 of 2011) General Bill, By Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright**

***Similar (H 4174)***

AN ACT TO AMEND SECTION 6-1-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREEMPTION OF LOCAL ORDINANCES REGARDING IMMIGRATION, SO AS TO ALLOW A CIVIL ACTION TO BE BROUGHT UNDER CERTAIN CIRCUMSTANCES WHEN A POLITICAL SUBDIVISION LIMITS OR PROHIBITS A LOCAL OFFICIAL FROM SEEKING TO ENFORCE A FEDERAL OR STATE LAW WITH REGARD TO IMMIGRATION OR THE UNLAWFUL IMMIGRATION STATUS OF A PERSON; TO AMEND SECTION 8-14-10, RELATING TO DEFINITIONS FOR THE PURPOSES OF UNAUTHORIZED ALIENS AND PUBLIC EMPLOYMENT, SO AS TO EXPAND THE DEFINITION OF "PRIVATE EMPLOYER"; TO AMEND SECTION 8-14-20, RELATING TO PUBLIC EMPLOYER PARTICIPATION IN THE FEDERAL WORK AUTHORIZATION PROGRAM AND SERVICE CONTRACTORS, SO AS TO DELETE PROVISIONS REGARDING CERTAIN TYPES OF IDENTIFICATIONS PREVIOUSLY ALLOWED FOR VERIFICATION OTHER THAN E-VERIFY AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 16-9-460, RELATING TO AIDING ILLEGAL ENTRY OR HARBORING AN UNLAWFUL ALIEN, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE THE PERSON WHO ENTERED THE COUNTRY, REMAINED, OR SHELTERED THEMSELVES FROM DETECTION ILLEGALLY; BY ADDING SECTION 16-17-750 SO AS TO CREATE THE OFFENSE OF FAILURE TO CARRY A CERTIFICATE OF ALIEN REGISTRATION ISSUED TO THE PERSON AND TO PROVIDE A PENALTY; BY ADDING SECTION 17-13-170 SO AS TO REQUIRE LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES AND WITH REASONABLE SUSPICION TO DETERMINE WHETHER A PERSON IS LAWFULLY PRESENT IN THE UNITED STATES, TO DELINEATE INFORMATION THAT MAY BE PROVIDED TO PRESUME THE PERSON IS LEGALLY PRESENT IN THE UNITED STATES, TO PROVIDE FOR THE OFFENSE OF PROVIDING FALSE INFORMATION AND TO PROVIDE PENALTIES, TO PROVIDE PROCEDURES FOR VERIFICATION OF STATUS AND EXCEPTIONS, AND TO PROVIDE FOR THE COLLECTION OF DATA ON MOTOR VEHICLES STOPPED WITHOUT A CITATION ISSUED; TO AMEND SECTION 23-3-1100, RELATING TO THE VERIFICATION OF THE STATUS OF PRISONERS, NOTIFICATION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, AND HOUSING AND MAINTENANCE EXPENSES, SO AS TO PROVIDE FOR TRANSPORTATION OF A PRISONER WHO IS AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES TO A FEDERAL FACILITY OR OTHER FORM OF FEDERAL CUSTODY AND FOR NOTIFICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TO AMEND SECTION 41-8-10, RELATING TO DEFINITIONS FOR PURPOSES OF ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, SO AS TO REDEFINE THE TERMS "LICENSE" AND "PRIVATE EMPLOYER" AND DEFINE THE TERM "UNAUTHORIZED ALIEN"; TO AMEND SECTION 41-8-20, RELATING TO THE REQUIREMENTS OF COMPLETION AND MAINTENANCE OF FEDERAL EMPLOYMENT ELIGIBILITY VERIFICATION FORMS OR E-VERIFY, SO AS TO REQUIRE AUTHORIZATION OF EVERY NEW EMPLOYEE WITHIN THREE, RATHER THAN FIVE, DAYS AND REQUIRE CONTRACTORS TO MAINTAIN CONTACT PHONE NUMBERS OF ALL SUBCONTRACTORS AND SUB-SUBCONTRACTORS PERFORMING SERVICES FOR THE CONTRACTOR AND PROVIDE THIS INFORMATION UPON REQUEST; TO AMEND SECTION 41-8-30, RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS, SO AS TO PROVIDE THAT A PRIVATE EMPLOYER VIOLATES THE PRIVATE EMPLOYER LICENSE IF HE KNOWINGLY AND INTENTIONALLY EMPLOYS AN UNAUTHORIZED ALIEN; TO AMEND SECTION 41-8-40, RELATING TO A PRIVATE EMPLOYER'S PRESUMPTION OF COMPLIANCE WITH THE LAW, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 41-8-50, RELATING TO PENALTIES FOR FAILING TO COMPLY WITH E-VERIFY REQUIREMENTS, SO AS TO ALLOW ACTION AGAINST A PRIVATE EMPLOYER TO BE BROUGHT AFTER A RANDOM AUDIT OR AN INSPECTION REGARDING AN EMPLOYEE WHO HAS BEEN EMPLOYED THREE, RATHER THAN FIVE, DAYS AND TO PROVIDE FURTHER PROCEDURES FOR A PRIVATE EMPLOYER'S COMPLIANCE, TO PROVIDE FOR SUSPENSION AND REVOCATION OF THE PRIVATE EMPLOYER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 41-8-60, RELATING TO ACTIONS TO COLLECT CIVIL PENALTIES AGAINST A PRIVATE EMPLOYER, AND 41-8-120, RELATING TO THE PROMULGATION OF REGULATIONS AND STATEWIDE RANDOM AUDITS, BOTH SO AS TO DELETE REFERENCES TO CIVIL PENALTIES AND MAKE CONFORMING CHANGES REGARDING DISCIPLINARY ACTION AGAINST A PRIVATE EMPLOYER; BY ADDING SECTION 16-13-480 SO AS TO CREATE THE OFFENSE OF PROVIDING A FALSE PICTURE IDENTIFICATION FOR USE BY AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES AND TO PROVIDE A PENALTY; TO REPEAL SECTION 23-3-80 RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION'S AUTHORIZATION TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE OR THE

DEPARTMENT OF HOMELAND SECURITY REGARDING UNLAWFUL ALIENS; AND BY ADDING SECTION 23-6-60 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. - ratified title

12/01/10	Senate	Prefiled
12/01/10	Senate	Referred to Committee on Judiciary
01/11/11	Senate	Introduced and read first time (Senate Journal-page 15)
01/11/11	Senate	Referred to Committee on Judiciary (Senate Journal-page 15)
01/12/11	Senate	Referred to Subcommittee: L.Martin (ch), Campsen, Ford
02/09/11	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 11)
02/10/11		Scrivener's error corrected
02/15/11	Senate	Motion For Special Order Failed (Senate Journal-page 20)
02/15/11	Senate	Roll call Ayes-29 Nays-15 (Senate Journal-page 20)
02/22/11	Senate	Motion For Special Order Failed (Senate Journal-page 21)
02/22/11	Senate	Roll call Ayes-26 Nays-16 (Senate Journal-page 21)
03/01/11	Senate	Special order, set for March 1, 2011 (Senate Journal-page 11)
03/01/11	Senate	Roll call Ayes-27 Nays-8 (Senate Journal-page 11)
03/02/11	Senate	Debate interrupted (Senate Journal-page 19)
03/03/11	Senate	Debate interrupted (Senate Journal-page 33)
03/08/11	Senate	Debate interrupted (Senate Journal-page 41)
03/09/11	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 42)
03/09/11	Senate	Amended (Senate Journal-page 42)
03/09/11	Senate	Read second time (Senate Journal-page 42)
03/09/11	Senate	Roll call Ayes-28 Nays-8 (Senate Journal-page 42)
03/10/11		Scrivener's error corrected
03/10/11	Senate	Read third time and sent to House (Senate Journal-page 8)
03/10/11	Senate	Roll call Ayes-34 Nays-9 (Senate Journal-page 8)
03/10/11		Scrivener's error corrected
03/14/11	House	Introduced and read first time (House Journal-page 3)
03/14/11	House	Referred to Committee on Judiciary (House Journal-page 3)
05/18/11	House	Committee report: Favorable with amendment Judiciary (House Journal-page 68)
05/19/11		Scrivener's error corrected
05/24/11	House	Requests for debate-Rep(s). Bedingfield, White, Corbin, Loftis, DC Moss, Norman, Hixon, JR Smith, Taylor, GM Smith, Hamilton, Nanney, Henderson, GR Smith, Mack, McCoy, Clyburn, Hosey, RL Brown, Allison, Tallon, Patrick, Chumley, Crawford, Viers, Whipper, Hardwick, and Hearn (House Journal-page 74)
05/24/11	House	Amended (House Journal-page 84)
05/24/11	House	Read second time (House Journal-page 84)
05/24/11	House	Roll call Yeas-69 Nays-43 (House Journal-page 84)
05/25/11	House	Read third time and returned to Senate with amendments (House Journal-page 32)
05/25/11	House	Roll call Yeas-65 Nays-39 (House Journal-page 32)
06/01/11	Senate	House amendment amended (Senate Journal-page 166)
06/01/11	Senate	Roll call Ayes-37 Nays-0 (Senate Journal-page 166)
06/14/11	Senate	House amendment amended (Senate Journal-page 47)
06/14/11	Senate	Returned to House with amendments (Senate Journal-page 47)
06/15/11		Scrivener's error corrected
06/21/11	House	Concurred in Senate amendment and enrolled (House Journal-page 21)
06/21/11	House	Roll call Yeas-69 Nays-43 (House Journal-page 21)
06/22/11		Ratified R 103
06/27/11		Signed By Governor
06/29/11		Effective date See Act for Effective Date
07/06/11		Act No. 69