

## Session 116 - (2005-2006)

### H 5104 General Bill, By Davenport

**Summary:** Illegal Aliens and Public Benefits Act; Omnibus Security and Immigration Compliance Act; Registration of Immigration Assistance Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE OMNIBUS SECURITY AND IMMIGRATION COMPLIANCE ACT, BY ADDING ARTICLE 13 TO CHAPTER 11, TITLE 8 SO AS TO REQUIRE PUBLIC EMPLOYERS OF THE STATE TO REGISTER AND PARTICIPATE IN THE FEDERAL WORK AUTHORIZATION PROGRAM AND TO PROHIBIT PUBLIC EMPLOYERS OF THE STATE FROM ENTERING INTO CONTRACTS FOR SERVICES UNLESS THE CONTRACTORS AND SUBCONTRACTORS COMPLY WITH THE FEDERAL WORK AUTHORIZATION PROGRAM VERIFYING INFORMATION ON ALL NEW EMPLOYEES; BY ADDING SECTION 12-6-3595 SO AS TO DEFINE THE TERMS "AUTHORIZED EMPLOYEE" AND "LABOR SERVICES", TO DISALLOW A DEDUCTIBLE BUSINESS EXPENSE UNDER CERTAIN CIRCUMSTANCES UNLESS THE PERSON EMPLOYED IS AN AUTHORIZED EMPLOYEE, AND TO PROVIDE EXCEPTIONS; BY ADDING SECTION 12-8-610 SO AS TO REQUIRE AN EMPLOYER TO WITHHOLD SIX PERCENT OF THE COMPENSATION PAID TO CERTAIN EMPLOYEES WHO FAIL TO PROVIDE CERTAIN INFORMATION RELATED TO TAXPAYER IDENTIFICATION NUMBERS; BY ADDING SECTION 23-3-80 SO AS TO DIRECT THE CHIEF OF THE STATE LAW ENFORCEMENT DIVISION TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND THE DEPARTMENT OF JUSTICE OR THE DEPARTMENT OF HOMELAND SECURITY CONCERNING THE ENFORCEMENT OF FEDERAL IMMIGRATION AND CUSTOMS LAWS IN THE STATE; BY ADDING CHAPTER 50 TO TITLE 23 SO AS TO REQUIRE REASONABLE EFFORTS BY LOCAL LAW ENFORCEMENT OFFICIALS TO DETERMINE THE NATIONALITY OF PERSONS CHARGED WITH FELONIES OR DRIVING UNDER THE INFLUENCE OFFENSES; BY ADDING CHAPTER 91 TO TITLE 40 SO AS TO PROVIDE REQUIREMENTS FOR PERSONS ENGAGED IN THE PROFESSION OF PROVIDING IMMIGRATION ASSISTANCE; BY ADDING ARTICLE 11 TO CHAPTER 5, TITLE 43 SO AS TO REQUIRE A STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE TO VERIFY THE LAWFUL PRESENCE OF A PERSON SEEKING TO OBTAIN PUBLIC BENEFITS; AND TO CREATE A STUDY COMMITTEE TO STUDY APPROPRIATE ENFORCEMENT OF FEDERAL AND STATE LAWS RELATING TO THE PRESENCE OF ILLEGAL ALIENS IN THIS STATE AND TO RECOMMEND LEGISLATIVE CHANGES AS APPROPRIATE.

**05/09/06 House Introduced and read first time HJ-19**

**05/09/06 House Referred to Committee on Judiciary HJ-20**