COMMITTEE REPORT

March 21, 2018

**H. 4496**

Introduced by Reps. Bannister, Burns and Toole

S. Printed 3/21/18--H.

Read the first time January 9, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4496) to amend the Code of Laws of South Carolina, 1976, by adding Section 6‑1‑180 so as to require the State Law Enforcement Division (SLED), etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 6-1-180, as contained in SECTION 1, beginning on Page 1, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑180. (A) The South Carolina Law Enforcement Division (SLED) shall create, prepare, maintain, and certify a report listing by name each South Carolina political subdivision it has determined to be in compliance with the requirements of Sections 17‑13‑170(E) and 23‑3‑1100. This report must be known as the Immigration Compliance Report (ICR). SLED also shall certify compliance with federal laws related to the presence of an unlawful person in the United States, as appropriate, as part of the ICR. SLED shall determine the appropriate documentation needed from each political subdivision to assure compliance. The ICR must be provided annually to the Governor, General Assembly, and State Treasurer by July first of each year.

(B) Each political subdivision in the State shall provide all documentation and information requested by SLED on or before June first of each year. A political subdivision that claims an exemption from the ICR shall still provide its required ICR with information to the extent possible, and state in writing any claimed exemptions.

(C) Beginning July 1, 2019, the State Treasurer is prohibited from disbursing funds appropriated by the General Assembly to the Local Government Fund to a political subdivision that has not been certified as compliant by SLED in the ICR.

(D) SLED is authorized to conduct criminal investigations to verify certifications and ensure compliance by political subdivisions. Public officials, public employees, or law enforcement officials found to have intentionally and materially falsified compliance documentation to SLED in the ICR may be subject to prosecution for perjury as defined in Section 16‑9‑10(A)(2). Political subdivisions found to have intentionally and materially falsified compliance documentation to SLED in the ICR may not receive Local Government Fund appropriations for a minimum of three consecutive fiscal budget years, and must be subject to SLED oversight for the purpose of ensuring compliance with Sections 17‑13‑170(E) and 23‑3‑1100.

(E) For purposes of this section, the term ‘political subdivision’ is defined as a local government entity eligible for funding from the Local Government Fund.

(F) The sanctions and remedies delineated in this section are in addition to other sanctions and remedies provided by law.” /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO CREATE, PREPARE, MAINTAIN, AND CERTIFY A REPORT LISTING BY NAME EACH SOUTH CAROLINA POLITICAL SUBDIVISION IT HAS DETERMINED TO BE IN COMPLIANCE WITH SECTIONS 17‑13‑170 AND 23‑3‑1100; TO DESIGNATE THIS REPORT THE “IMMIGRATION COMPLIANCE REPORT” (ICR); TO DELINEATE SPECIFIC DUTIES AND RESPONSIBILITIES RELATING TO THE SUBMISSION OF DOCUMENTATION NECESSARY TO PREPARE THE ICR; TO REQUIRE SLED ANNUALLY TO PROVIDE COPIES TO THE GOVERNOR, GENERAL ASSEMBLY, AND STATE TREASURER, TO PROHIBIT THE STATE TREASURER FROM DISBURSING CERTAIN FUNDS TO POLITICAL SUBDIVISIONS THAT HAVE NOT BEEN CERTIFIED AS COMPLIANT IN THE ICR, TO AUTHORIZE SLED TO CONDUCT CRIMINAL INVESTIGATIONS RELATING TO ICR CERTIFICATIONS; TO PROVIDE SANCTIONS FOR POLITICAL SUBDIVISIONS THAT HAVE BEEN FOUND TO HAVE SUBMITTED FALSIFIED COMPLIANCE DOCUMENTATION TO SLED; TO DEFINE “POLITICAL SUBDIVISION”, AND TO PROVIDE THAT THE SANCTIONS AND REMEDIES DELINEATED IN THIS ACT ARE IN ADDITION TO OTHER SANCTIONS AND REMEDIES PROVIDED BY LAW.

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

SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑180. (A) The South Carolina Law Enforcement Division (SLED) shall create, prepare, maintain, and certify a report listing by name each South Carolina political subdivision it has determined to be in compliance with the requirements of Sections 17‑13‑170(E) and 23‑3‑1100. This report must be known as the Immigration Compliance Report (ICR). SLED also shall certify compliance with federal laws related to the presence of an unlawful person in the United States, as appropriate, as part of the ICR. SLED shall determine the appropriate documentation needed from each political subdivision to assure compliance. The ICR must be provided annually to the Governor, General Assembly, and State Treasurer by July first of each year.

(B) Each political subdivision in the State shall provide all documentation and information requested by SLED on or before June first of each year. A political subdivision that claims an exemption from the ICR shall still provide its required ICR with information to the extent possible, and state in writing any claimed exemptions.

(C) Beginning July 1, 2019, the State Treasurer is prohibited from disbursing funds appropriated by the General Assembly to the Local Government Fund to a political subdivision that has not been certified as compliant by SLED in the ICR.

(D) SLED is authorized to conduct criminal investigations to verify certifications and ensure compliance by political subdivisions. Public officials, public employees, or law enforcement officials found to have falsified compliance documentation to SLED in the ICR are guilty of perjury as defined in Section 16‑9‑10(A)(2). Political subdivisions found to have falsified compliance documentation to SLED in the ICR may not receive Local Government Fund appropriations for a minimum of three consecutive fiscal budget years, and must be subject to SLED oversight for the purpose of ensuring compliance with Sections 17‑13‑170(E) and 23‑3‑1100.

(E) For purposes of this section, the term ‘political subdivision’ is defined as, but not limited to, a local government entity eligible for funding from the Local Government Fund.

(F) The sanctions and remedies delineated in this section are in addition to other sanctions and remedies provided by law.”

SECTION 2. If a section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word of it, irrespective of the fact that any one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

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