COMMITTEE REPORT

March 16, 2022

**S. 1032**

Introduced by Senators Martin, Verdin and Kimbrell

S. Printed 3/16/22--S.

Read the first time February 1, 2022.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1032) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑3‑80 so as to create the Illegal Immigration Enforcement Unit within the South Carolina, etc., respectfully

**REPORT:**

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

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. This unit is tasked with enforcing immigration laws as authorized pursuant to federal and state laws. The Chief of SLED will direct the unit and determine which agents and personnel are proper to work within the unit. The unit will be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act and shall be separate from SLED’s other appropriations. As soon as possible after the effective date of this act, SLED must negotiate the terms of a memorandum of agreement with United States Immigration and Customs Enforcement. The bill also requires SLED to develop an illegal immigration enforcement training program and to make the program available to all local law enforcement agencies.

**South Carolina Law Enforcement Division.** SLED anticipates that the transfer of the unit to the agency will include the transfer of all existing FTEs and appropriations specific to the unit. SLED expects to be able to manage the additional responsibilities created by this bill within the transferred appropriations. As such, there will be no expenditure impact to SLED.

**Department of Public Safety.** The bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. DPS anticipates this bill will also transfer the existing FTEs and appropriations associated with the unit. Based on data provided by DPS, annual appropriations of the Illegal Immigration Enforcement Unit that will be transferred to SLED totals approximately $763,200. Of this amount, approximately $644,700 is general funds for 12.0 FTEs, and $118,500 is other funds for operating expenses.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23‑6‑60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

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

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

“Section 23‑3‑80. (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.

(B) The Illegal Immigration Enforcement Unit is under the administrative direction of the Chief of SLED. SLED shall designate such agents and other personnel that the chief deems necessary proper to enforce the immigration laws as authorized pursuant to federal laws and the laws of this State and to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C) Notwithstanding any other provision of law, the Illegal Immigration Enforcement Unit must be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act, separate and distinct from SLED’s other appropriations.

(D) To the extent possible SLED, shall negotiate the terms of a memorandum of agreement with the United States Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act as soon as possible after the effective date of this act.

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

(F) SLED shall develop an illegal immigration enforcement training program and shall make this training program available to all local law enforcement agencies to assist any local law enforcement agency wishing to utilize the training program in the proper implementation, management, and enforcement of applicable immigration laws.”

SECTION 2. Section 23‑6‑60 of the 1976 Code is repealed.

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

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