AMENDED

May 11, 2022

**S. 1032**

Introduced by Senators Martin, Verdin, Kimbrell, Garrett, Senn and Climer

S. Printed 5/11/22--H.

Read the first time April 19, 2022.

**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.

Amend Title To Conform

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. Chapter 30, Title 8 of the 1976 Code is repealed.

SECTION 4. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40‑1‑35. A person who:

(1) has a current and valid employment authorization approved by federal immigration authorities;

(2) came to the United States before reaching his eighteenth birthday;

(3) has continuously and presently resided in the United States since initially arriving in the country;

(4) was physically present within the United States at the time a request was made for consideration of deferred action with the U.S. Citizenship and Immigration Services;

(5) has not been convicted of a felony or three or more misdemeanors; and

(6) does not otherwise pose a threat to national security or public safety;

shall be eligible for occupational or professional licensure under the provisions of this title provided all other applicable occupational or professional requirements are met.”

SECTION 5. This act takes effect upon approval by the Governor.

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