**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4527**

**STATUS INFORMATION**

House Resolution

Sponsors: Reps. Garvin, Cobb-Hunter, Henderson-Myers, Williams, Rose, Spann-Wilder, Bauer, Weeks, Waters, Gilliard, Rivers, Hosey, Kirby, Dillard, Jones and Reese

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Introduced in the House on May 8, 2025

Currently residing in the House Committee on **Judiciary**

Summary: Federal Due Process

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/8/2025 House Introduced

 5/8/2025 House Referred to Committee on **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4527&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[05/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4527_20250508.docx)

A house RESOLUTION

TO AFFIRM THE CONSTITUTIONAL RIGHT OF DUE PROCESS AND THE OBLIGATION OF THE U.S. GOVERNMENT TO FOLLOW FEDERAL COURT ORDERS.

Whereas, the Fifth and Fourteenth Amendments to the U.S. Constitution protect life, liberty, and property through the guarantee of due process for all U.S. persons; and

Whereas, the U.S. Government has arrested and removed over 250 individuals from the territorial United States to an El Salvadoran prison without an opportunity to contest their removal and incarceration; and

Whereas, the U.S. Government has admitted in federal court that one of these individuals, Kilmar Abrego Garcia, was erroneously removed in contravention of a federal court order prohibiting his removal to El Salvador; and

Whereas, a U.S. District Court has found probable cause to hold a contempt hearing after the U.S. Government was ordered to pause the removals long enough for a hearing to be held, but proceeded with the removals anyway; and

Whereas, the U.S. Government has been ordered in a unanimous opinion by the U.S. Supreme Court to facilitate Mr. Abrego Garcia’s return, yet the U.S. Government professes an inability to retrieve Mr. Garcia now that he is outside U.S. territory; and

Whereas, the U.S. Court of Appeals for the Fourth Circuit has rejected this claim in a unanimous opinion authored by Judge J. Harvie Wilkinson III, explaining that the U.S. Government’s theory that “…because it has rid itself of custody that there is nothing that can be done.” was “shocking” and raises the specter that American citizens could likewise be removed and denied repatriation under the same rationale; and

Whereas, the President of the United States has made a public statement encouraging the President of El Salvador to build additional prisons because “The homegrowns are next, the homegrowns.”; and

Whereas, maintaining the rule of law and abiding court rulings is paramount to our system of ordered liberty and the obligation to do so is not limited to any president or political party; and

Whereas, each of us, having sworn an oath to preserve, protect, and defend the Constitution of this State and the Constitution of these United States. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, affirm the constitutional right of due process and the obligation of the U.S. Government to follow federal court orders.

Be it further resolved that the members of the South Carolina House of Representatives affirm the right of all U.S. persons to due process before being removed and incarcerated in a foreign prison; and

Be it further resolved that process guaranteed by our Constitution is due to both the guilty and innocent alike to ensure that no person is unjustly or wrongly denied life, liberty, or property; and

Be it further resolved that the U.S. Government must take care that the laws of the United States are faithfully executed, which includes abiding by the rulings of the U.S. Supreme Court and the lower federal courts.

Be it further resolved that a copy of this resolution be presented to the President of the United States.

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