



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H.4764 Introduced on January 13, 2026
Subject: Immigration
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: February 4, 2026

Fiscal Impact Summary

This bill requires law enforcement agencies that operate correctional facilities in South Carolina to enter into written agreements with a federal immigration enforcement agency to participate in the immigration program established pursuant to Section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Section 1357, or any successor or similar federal program, that authorizes a law enforcement agency to enforce federal immigration law. The agreement must be filed with the Illegal Immigration Enforcement Unit, within the South Carolina Law Enforcement Division (SLED), and the Office of the Attorney General. Applicable agencies that do not have such an agreement must seek this arrangement and, until such time that an agreement is executed, annually provide proof of such solicitation to the Illegal Immigration Enforcement Unit and the Office of the Attorney General. Agencies failing to comply are subject to administrative penalties including, but not limited to, internal oversight review, reporting obligations, or conditional approval of eligibility for discretionary grant awards administered through the Department of Public Safety (DPS). The Illegal Immigration Enforcement Unit and Attorney General must also maintain a registry of these agreements, as well as a registry of all annual submissions of proof from agencies that do not have an executed agreement. A law enforcement officer or government official or employee on behalf of a law enforcement agency, who acted in good faith in arresting persons who have violated federal immigration law or whose status as illegal aliens is in question will be granted immunity from damages or liability. The Office of the Attorney General has the authority to enforce these provisions. Additionally, SLED shall provide any law enforcement agency that filed a valid agreement or submitted proof of a good faith attempt to enter into an agreement with a federal immigration enforcement agency to have the ability to enforce federal immigration law, as defined by this bill, with the materials and training program developed for illegal immigration enforcement.

The bill will have no expenditure impact for DPS nor the Department of Corrections (Corrections). DPS does not operate any correctional facilities, and the administration of discretionary grant awards is within the normal course of business of the agency. Corrections anticipates being able to comply with the requirements of this bill with existing staff and within existing appropriations.

Revenue and Fiscal Affairs (RFA) contacted all counties in the state and the Municipal Association of South Carolina (MASC) to determine the local fiscal impact of this bill. We

received responses from the counties of Horry and Florence and MASC. Horry County reports the bill will have no expenditure impact, while Florence County and MASC report that the expenditure impact of the bill is undetermined.

This fiscal impact is pending, contingent upon a response from the Department of Juvenile Justice (DJJ), the Office of the Attorney General, and SLED.

Explanation of Fiscal Impact

Introduced on January 13, 2026

State Expenditure

This bill requires law enforcement agencies operating correctional facilities to enter into written agreements with federal immigration enforcement agencies in order to authorize participation in enforcement activities under federal immigration laws. Law enforcement agencies include, but are not limited to, municipal police departments; sheriff's offices; state police departments; state university and college police departments; Corrections; and any state, county, or municipal agency charged with operating a correctional facility. These agreements must state the costs of participation for both the law enforcement agency and the federal immigration enforcement agency, and they must delineate any financial obligations that will be directly borne by the participating law enforcement agency. Law enforcement agencies operating correctional facilities absent such agreement must, on an annual basis, seek to enter into such agreement and provide proof of this attempt to the Illegal Immigration Enforcement Unit established under the Office of the Attorney General. Agencies failing to demonstrate compliance may be subject to administrative penalties that may include internal oversight review, reporting obligations, temporary suspension, or conditional approval of eligibility for discretionary grant awards administered through DPS. The Office of the Attorney General is authorized to enforce instances of noncompliance.

This bill also requires the Illegal Immigration Enforcement Unit to maintain a registry of all such agreements between a law enforcement agency and a federal immigration enforcement agency and must maintain a registry of all annual submissions of proof for agencies that have not executed an agreement. The bill provides that law enforcement officers maintain their ability to arrest any person based on his status as an illegal alien or for a violation of federal immigration law; provided they act in good faith in performing such an arrest, they will be granted immunity from damages or liability. In addition, the bill requires SLED to authorize any law enforcement agency to enforce federal immigration law, provided the law enforcement agency possesses a valid agreement or has submitted proof of a good faith attempt to enter into an agreement with a federal immigration enforcement agency.

The bill will have no expenditure impact for DPS nor Corrections. DPS does not operate any correctional facilities, and the administration of discretionary grant awards is within the normal course of business of the agency. Corrections anticipates being able to comply with the requirements of this bill with existing staff and within existing appropriations.

This fiscal impact is pending, contingent upon a response from DJJ, the Office of the Attorney General, and SLED.

State Revenue

N/A

Local Expenditure

RFA surveyed South Carolina counties and MASC as to the potential fiscal impact of the bill and received responses from Florence County, Horry County, and MASC. Florence County indicates that any additional costs resulting from implementation of the bill cannot be estimated due to a lack of available data; however, implementation of the bill may require the county to house persons suspected of being in the country illegally. Horry County reports that the bill will have no expenditure impact. MASC reports that the expenditure impact of the bill is undetermined but may increase administrative needs for municipalities (e.g., interpreter services, training requirements, and enhancements to infrastructure). Additionally, MASC notes that at least 8 municipalities have holding facilities that may only detain a person for up to 48 hours, and over 160 municipalities only have holding cells, where a person can only be detained for up to 6 hours. This bill may have a significant local impact for these municipalities if they are required to establish longer-term holding facilities.

Local Revenue

N/A



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