

## Session 119 - (2011-2012)

### S 0111 General Bill, By Cromer, L. Martin, Verdin, Fair and Rose

#### Summary: Prisoners

A BILL TO AMEND ARTICLE 13, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO THE VERIFICATION OF NATIONALITY OF PRISONERS, TO PROVIDE THAT LAW ENFORCEMENT OFFICERS MAY ACT UPON A REASONABLE SUSPICION TO DETERMINE WHETHER A PERSON IS AN ALIEN UNLAWFULLY IN THE UNITED STATES AND TO PROVIDE CERTAIN PRESUMPTIONS; BY ADDING NEW SECTIONS TO ARTICLE 13 TO PROVIDE FOR VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES, TO PROVIDE FOR THE DISPOSITION OF A PERSON DETERMINED TO BE IN THE UNITED STATES UNLAWFULLY, TO PROVIDE THAT A PERSON MAY NOT BE DENIED BOND BECAUSE OF HIS ILLEGAL ALIEN STATUS, TO PROVIDE A PROHIBITION AGAINST RACIAL PROFILING, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE STATE MUST DEFEND AND INDEMNIFY LAW ENFORCEMENT OFFICIALS, AND TO PROVIDE THAT THE ARTICLE DOES NOT IMPLEMENT, AUTHORIZE, OR ESTABLISH AND SHALL NOT BE CONSTRUED TO IMPLEMENT, AUTHORIZE, OR ESTABLISH THE FEDERAL REAL ID ACT OF 2005, INCLUDING THE USE OF RADIO FREQUENCY IDENTIFICATION CHIPS; TO AMEND TITLE 15, RELATING TO CIVIL REMEDIES AND PROCEDURES, BY ADDING CHAPTER 83 TO PROHIBIT SANCTUARY COUNTIES, MUNICIPALITIES, OR POLITICAL SUBDIVISIONS AND TO PROVIDE FOR REMEDIES; TO AMEND CHAPTER 8, TITLE 41, RELATING TO ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, BY ADDING ARTICLE 3 TO PROHIBIT DAY LABOR EMPLOYMENT OF ILLEGAL ALIENS; TO AMEND SECTION 41-8-10, TO PROVIDE THAT THE DEFINITION OF "EMPLOYER" INCLUDES ANY PERSON THAT EMPLOYS A PERSON TO PERFORM AGRICULTURAL SERVICES; TO AMEND SECTION 41-8-20, TO PROVIDE THAT A UNITED STATES PASSPORT MAY BE USED FOR EMPLOYER VERIFICATION PURPOSES; TO AMEND SECTION 41-8-50, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL MAKE A PRELIMINARY INVESTIGATION OF COMPLAINTS THAT AN EMPLOYER IS IN VIOLATION OF THE LAWS PROHIBITING THE EMPLOYMENT OF ILLEGAL ALIENS, TO PROVIDE THAT THE ATTORNEY GENERAL IS RESPONSIBLE FOR A FORMAL INVESTIGATION AND PURSUING CIVIL FINES, TO PROVIDE FOR THE CIVIL ACTION TO RECOVER FINES, AND TO PROVIDE THAT THE CIVIL FINES COLLECTED MUST BE DEPOSITED IN THE ILLEGAL IMMIGRATION ENFORCEMENT TRUST FUND; TO AMEND SECTION 41-8-60, TO PROVIDE THAT THE ATTORNEY GENERAL MUST BRING AN ACTION TO RECOVER UNPAID FINES LEVIED AGAINST AN EMPLOYER PURSUANT TO SECTION 41-8-50; TO AMEND SECTION 41-8-140, TO ESTABLISH THE IMMIGRATION ENFORCEMENT TRUST FUND AND TO PROVIDE FOR THE DISBURSEMENT OF REVENUE IN THE FUND; TO AMEND ARTICLE 9, CHAPTER 3, TITLE 16, BY ADDING SECTION 16-3-940, TO PROHIBIT HUMAN SMUGGLING; TO AMEND CHAPTER 17, TITLE 16, BY ADDING SECTION 16-17-750, TO REQUIRE ALIENS TO COMPLETE AND CARRY ALIEN REGISTRATION DOCUMENTS; TO AMEND CHAPTER 17, TITLE 16, BY ADDING SECTION 16-15-750, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY FAIL TO COMPLETE OR CARRY AN ALIEN REGISTRATION DOCUMENT IN VIOLATION OF 8 USC 1304(E) OR 1306(A), AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 8-30-10, TO PROVIDE THAT A VIOLATION OF HUMAN SMUGGLING LAWS MUST BE REPORTED TO THE EXECUTIVE DIRECTOR OF THE STATE COMMISSION FOR MINORITY AFFAIRS TO BE INCLUDED ON THE IMMIGRATION DATABASE MAINTAINED BY THE COMMISSION; AND TO MAKE OTHER TECHNICAL AND CONFORMING AMENDMENTS.

12/01/10	Senate	Prefiled
12/01/10	Senate	Referred to Committee on Judiciary
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