

Session 117 - (2007-2008)

S 0776 General Bill, By Campsen, Cleary, Ritchie, McConnell, Martin and Vaughn

Summary: Illegal Immigration Identity Fraud and Fraud Prevention Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA ILLEGAL IMMIGRATION IDENTITY FRAUD AND FRAUD PREVENTION ACT," BY ADDING CHAPTER 29 TO TITLE 8, RELATING TO THE VERIFICATION OF A PERSON'S LAWFUL PRESENCE IN THE UNITED STATES, SO AS TO REQUIRE THAT EVERY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF ANY NATURAL PERSON EIGHTEEN OR OLDER WHO HAS APPLIED FOR STATE OR LOCAL PUBLIC BENEFITS, AS DEFINED BY FEDERAL LAW, THAT ARE ADMINISTERED BY AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE, TO REQUIRE ENFORCEMENT OF THIS PROVISION WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, OR NATIONAL ORIGIN, TO PROVIDE EXCEPTIONS FOR VERIFICATION OF A PERSON'S LAWFUL PRESENCE IN THE UNITED STATES, TO PROVIDE A PROCEDURE FOR A PERSON TO VERIFY HIS LAWFUL PRESENCE IN THE UNITED STATES, INCLUDING EXECUTING AN AFFIDAVIT THAT THE PERSON IS A UNITED STATES CITIZEN OR LEGAL PERMANENT RESIDENT OR A QUALIFIED ALIEN OR NONIMMIGRANT UNDER THE IMMIGRATION AND NATURALIZATION ACT, TO REQUIRE THAT ELIGIBILITY FOR BENEFITS SHALL BE MADE THROUGH THE FEDERAL SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT PROGRAM MAINTAINED BY THE DEPARTMENT OF HOMELAND SECURITY, TO MAKE IT A FELONY IF A PERSON KNOWINGLY AND WILLFULLY MAKES A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION IN AN AFFIDAVIT OR AIDS OR ABETS ANOTHER PERSON IN KNOWINGLY AND WILLFULLY MAKING A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION IN AN AFFIDAVIT, OR SOLICITS OR CONSPIRES TO MAKE A FALSE, FICTITIOUS OR FRAUDULENT STATEMENT IN A REPRESENTATION IN AN AFFIDAVIT AND TO PROVIDE PENALTIES FOR A VIOLATION, TO PROVIDE THAT PERSONS CONVICTED OF A VIOLATION OF THIS SECTION ARE JOINTLY AND SEVERABLY LIABLE FOR LOSSES SUFFERED AS A RESULT OF THEIR ACTIONS, AND TO REQUIRE THAT ANY PERSON CONVICTED OF A VIOLATION OF THIS SECTION MUST DISGORGE ANY BENEFIT RECEIVED OR MAKE RESTITUTION TO THE AGENCY OR POLITICAL SUBDIVISION THAT ADMINISTERED THE BENEFIT; TO ADD SECTION 16-13-525, SO AS TO REQUIRE THAT A PERSON CONVICTED OF FINANCIAL IDENTITY FRAUD OR IDENTITY FRAUD INVOLVING THE FALSE, FICTITIOUS, OR FRAUDULENT CREATION OR USE OF DOCUMENTS THAT ENABLE A PERSON WHO IS NOT AUTHORIZED TO LIVE OR WORK IN THE UNITED STATES TO RECEIVE BENEFITS ADMINISTERED BY AN AGENCY OR POLITICAL SUBDIVISION MUST DISGORGE ANY BENEFIT RECEIVED OR MAKE RESTITUTION TO THE AGENCY OR POLITICAL SUBDIVISION THAT ADMINISTERED THE BENEFIT, AND TO PERMIT THAT ANY PERSON WHO SUFFERS A LOSS OF MONEY OR OTHER PROPERTY AS A RESULT OF A PERSON'S FINANCIAL IDENTITY FRAUD OR IDENTITY FRAUD INVOLVING AN IMMIGRATION RELATED MATTER MAY BRING AN ACTION TO RECOVER DAMAGES AGAINST ANYONE CONVICTED OF THE VIOLATION, TO MAKE PERSONS WHO COMMIT FINANCIAL IDENTITY FRAUD AND IDENTITY FRAUD IN IMMIGRATION RELATED MATTERS JOINTLY AND SEVERABLY LIABLE, AND TO PERMIT THE AWARD OF ATTORNEYS FEES AND COSTS IN CIVIL ACTIONS; TO ADD CHAPTER 83 TO TITLE 40 OF THE 1976 CODE SO AS TO REQUIRE THE REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES, TO REQUIRE ALL IMMIGRATION ASSISTANCE SERVICES TO OBTAIN A LICENSE FROM THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE DEFINITIONS, TO LIST THE SERVICES THAT IMMIGRATION ASSISTANCE SERVICES MAY PROVIDE, TO PROHIBIT IMMIGRATION ASSISTANCE SERVICES FROM ACCEPTING PAYMENT IN EXCHANGE FOR PROVIDING LEGAL ADVICE, FOR REFUSING TO RETURN DOCUMENTS SUPPLIED BY, PREPARED FOR, OR PAID FOR BY A CUSTOMER, FOR REPRESENTING OR ADVERTISING, IN CONNECTION WITH PROVIDING IMMIGRATION ASSISTANCE SERVICES, CERTAIN TITLES TO INCLUDE 'NOTARY PUBLIC', OR 'IMMIGRATION CONSULTANT', OR FOR PROVIDING LEGAL ADVICE, OR MAKING ANY MISREPRESENTATION OR FALSE STATEMENT TO INFLUENCE, PERSUADE, OR INDUCE PATRONAGE, TO PROVIDE FOR CIVIL AND CRIMINAL PENALTIES FOR ANYONE WHO KNOWINGLY AND WILLFULLY MAKES A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION IN ANY DOCUMENT PREPARED AS PART OF THE PROVISION OF IMMIGRATION ASSISTANCE SERVICES, OR WHO AIDS OR ABETS A PERSON IN KNOWINGLY AND WILLFULLY MAKING A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION IN ANY DOCUMENT PREPARED AS PART OF THE PROVISION OF IMMIGRATION ASSISTANCE SERVICES, OR WHO SOLICITS OR CONSPIRES WITH ANYONE TO MAKE A FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT IN ANY DOCUMENT PREPARED AS PART OF THE PROVISION OF IMMIGRATION ASSISTANCE SERVICES, TO INCLUDE PRISON TIME, CRIMINAL PENALTIES, JOINT AND SEVERAL LIABILITY, TREBLE DAMAGES, JOINT AND SEVERAL LIABILITY, ATTORNEYS FEES AND COSTS; TO AMEND SECTION 14-7-1630 OF THE 197 CODE, RELATING TO THE

JURISDICTION OF THE STATE GRAND JURY, TO INCLUDE CRIMES INVOLVING THE KNOWING AND WILLFUL MAKING OR AIDING AND ABETTING IN THE MAKING, OR SOLICITING OR CONSPIRING IN THE MAKING OF FALSE, FICTITIOUS OR FRAUDULENT STATEMENTS OR REPRESENTATIONS IN AFFIDAVITS OR DOCUMENTS RELATED TO IMMIGRATION RELATED MATTERS IF THE TOTAL NUMBER OF VIOLATIONS EXCEEDS TWENTY OR IF THE TOTAL BENEFIT RECEIVED OR TOTAL LOSS OF MONEY OR PROPERTY EXCEEDS TWENTY THOUSAND DOLLARS.

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