COMMITTEE REPORT

January 30, 2019

**H. 3417**

Introduced by Reps. Tallon, Wooten, W. Newton, Fry and R. Williams

S. Printed 1/30/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3417) to amend the Code of Laws of South Carolina, 1976, by adding Article 18 to Chapter 3, Title 23 so as to establish the Illegal Immigration Enforcement Unit within the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Article 18

Illegal Immigration Unit

Section 23‑3‑1600. (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. The chief shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The chief may appoint appropriate personnel within SLED to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C)(1) The Illegal Immigration Enforcement Unit is composed of officers, agents, and employees as the chief considers necessary and proper for the enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State.

(2)(a) The enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State must be the only responsibility of the officers of the Illegal Immigration Enforcement Unit.

(b) The officers are commissioned by the Governor upon the recommendation of the chief.

(c) The officers have the same power to serve criminal processes against offenders as sheriffs of the various counties and also the same power as those sheriffs to arrest without warrants and to detain persons found violating or attempting to violate immigration laws. The officers also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(D) 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.

(E) The chief 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.

(F) 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.

(G) SLED shall develop an illegal immigration enforcement training program which SLED shall offer 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.” /

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE STATE LAW ENFORCEMENT DIVISION; TO REPEAL SECTION 23‑6‑60 RELATING TO THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT ESTABLISHED WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER ALL THE ASSOCIATED EMPLOYEES, AUTHORIZED APPROPRIATIONS, ASSETS, AND LIABILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Article 18

Illegal Immigration Unit

Section 23‑3‑1600. (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. The chief shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The chief may appoint appropriate personnel within SLED to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C)(1) The Illegal Immigration Enforcement Unit is composed of officers, agents, and employees as the chief considers necessary and proper for the enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State.

(2)(a) The enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State must be the only responsibility of the officers of the Illegal Immigration Enforcement Unit.

(b) The officers are commissioned by the Governor upon the recommendation of the chief.

(c) The officers have the same power to serve criminal processes against offenders as sheriffs of the various counties and also the same power as those sheriffs to arrest without warrants and to detain persons found violating or attempting to violate immigration laws. The officers also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(d) SLED must provide the officers with distinctive uniforms and suitable arms and equipment for use in the performance of their duties. The officers at all times, when in the performance of their duties, must wear complete uniforms with badges conspicuously displayed on the outside of their uniforms, except officers performing undercover duties. The chief shall prescribe a unique and distinctive official uniform with appropriate insignia to be worn by all officers when on duty and at other times as the chief orders, and a distinctive color or colors and appropriate emblems for all motor vehicles used by the Illegal Immigration Enforcement Unit except those designated by the chief. Any other law enforcement agency, private security agency, or any person may not wear a similar uniform and insignia that could be confused with the uniform and insignia of the Illegal Immigration Enforcement Unit. An emblem may not be used on a non‑SLED motor vehicle, nor may the vehicle be painted in a color or in any manner that would cause the vehicle to be similar to an Illegal Immigration Enforcement Unit vehicle or readily confused with it. The chief shall file with the Legislative Council for publication in the State Register a description and illustration of the official Illegal Immigration Enforcement Unit uniform with insignia and the emblems of the official Illegal Immigration Enforcement Unit and motor vehicles including a description of the color of the uniforms and vehicles.

(D) 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.

(E) The chief 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.

(F) 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.

(G) SLED shall develop an illegal immigration enforcement training program which SLED shall offer 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. The Illegal Immigration Enforcement Unit of the Department of Public Safety is transferred to and incorporated into the State Law Enforcement Division (SLED). The employees, authorized appropriations, assets, and liabilities of the unit also are transferred to and become part of SLED. All classified or unclassified personnel employed by the unit on the effective date of this act, either by contract or by employment at will, shall become employees of SLED, with the same employment status, compensation, classification, and grade level, as applicable.

SECTION 3. Section 23‑6‑60 of the 1976 Code is repealed.

SECTION 4. This act takes effect July 1, 2019.

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