**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3404**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Collins, Bernstein, Erickson, Cobb‑Hunter, Rutherford, Norrell, King, Henegan, Wheeler, Thigpen, Brawley, Pendarvis, Rose, Bamberg, Forrest, Clary, Henderson‑Myers, Herbkersman, W. Newton, Dillard, McKnight, Moore, Ridgeway, Garvin, Stavrinakis, Robinson, Anderson, Hayes, Ott, Matthews, Rivers, Funderburk, Brown, Hosey, Weeks, Atkinson, Alexander, Howard, Parks, Gilliard, R. Williams, Jefferson, Kimmons, Govan, Kirby, Bales, S. Williams, Mack, Hart and Clyburn

Document Path: l:\council\bills\rt\17477wab19.docx

Companion/Similar bill(s): 431

Introduced in the House on January 8, 2019

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

Summary: Licensure

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 226](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 226](file:///h:\hj\20190108.docx))

1/15/2019 House Member(s) request name added as sponsor: Rose

1/16/2019 House Member(s) request name added as sponsor: Bamberg, Forrest

1/23/2019 Scrivener's error corrected

1/30/2019 House Member(s) request name added as sponsor: Clary

1/31/2019 House Member(s) request name added as sponsor: Henderson‑Myers

3/5/2019 House Member(s) request name added as sponsor: Herbkersman, W.Newton

3/27/2019 House Member(s) request name added as sponsor: Dillard, McKnight, Moore, Ridgeway, Garvin, Stavrinakis, Robinson, Anderson, Hayes, Ott, Simmons, Rivers, Funderburk, Brown, Hosey, Weeks

3/28/2019 House Member(s) request name added as sponsor: Atkinson, Alexander, Howard, Parks

4/3/2019 House Member(s) request name added as sponsor: Gilliard, R.Williams, Jefferson, Kimmons, Govan, Kirby, Bales, S.Williams, Mack, Hart, Clyburn

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3404&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3404_20181218.docx)

[1/23/2019](file:///p:\pprever\2019-20\3404_20190123.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑112‑45 SO AS TO PROVIDE PEOPLE WHO HAVE A LAWFUL PRESENCE IN THIS STATE AND ARE NOT PRECLUDED FROM ESTABLISHING RESIDENCY UNDER FEDERAL IMMIGRATION LAW MAY ESTABLISH DOMICILE IN THIS STATE FOR THE PURPOSE OF RECEIVING IN‑STATE TUITION RATES AND FEES AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND FOR STATE‑SUPPORTED SCHOLARSHIPS AND GRANTS; AND BY ADDING SECTION 41‑1‑35 SO AS TO PROVIDE PEOPLE WHO HAVE A LAWFUL PRESENCE IN THIS STATE AND ARE NOT PRECLUDED FROM ESTABLISHING RESIDENCY UNDER FEDERAL IMMIGRATION LAW MAY ESTABLISH RESIDENCY AND BE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THE PROVISIONS OF THIS CHAPTER, PROVIDED OTHER LICENSURE REQUIREMENTS ARE MET.

Whereas, approximately 6,400 Deferred Action for Childhood Arrivals (DACA) recipients, also known as “DREAMers”, live in South Carolina; and

Whereas, in 2017 and 2018, the Joint Legislative Committee for Children received public input in Charleston, Columbia, Greenville, and Florence, wherein over forty DREAMers testified and requested eligibility to receive in‑state tuition, eligibility for state scholarships, and the ability to receive occupational licenses; and

Whereas, approximately one‑third of DREAMers in South Carolina are in middle school, high school, or college; and

Whereas, with federal legislation, South Carolina could have DREAMers in this State indefinitely and, even without federal legislation, South Carolina will have legal status DREAMers in this State until March 2021. Now, therefore,

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

SECTION 1. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑45. (A) A person who has a lawful presence in this State and is not precluded from establishing residency under federal immigration law may establish domicile in this State for the purpose of receiving in‑state tuition rates and fees at public institutions of higher education. A person eligible for in‑state tuition rates pursuant to this section is eligible for state‑supported scholarships and grants, provided other eligibility requirements are met.

(B) The provisions of this section apply notwithstanding another provision of law.”

SECTION 2. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑35. (A) A person who has a lawful presence in this State and is not precluded from establishing residency under federal immigration law may establish residency and be eligible for occupational or professional licensure under the provisions of this chapter, provided other licensure requirements are met.

(B) The provisions of this section apply notwithstanding another provision of law.”

SECTION 3. This act takes effect upon approval by the Governor.

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