

## Session 117 - (2007-2008)

### H 4117 General Bill, By Davenport

*Similar (H 3149, H 4119, H 4400)*

#### **Summary:** Illegal Aliens and Public Benefits Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE OMNIBUS SECURITY AND IMMIGRATION COMPLIANCE ACT BY ADDING SECTION 12-6-3595 TO DEFINE THE TERMS "AUTHORIZED EMPLOYEE" AND "LABOR SERVICES", TO DISALLOW A DEDUCTIBLE BUSINESS EXPENSE UNDER CERTAIN CIRCUMSTANCES UNLESS THE PERSON EMPLOYED IS AN AUTHORIZED EMPLOYEE AND TO PROVIDE EXCEPTIONS, TO PROHIBIT CASH PAYMENTS FOR COMPENSATION TO AN UNAUTHORIZED EMPLOYEE, AND TO PROVIDE FOR CRIMINAL PENALTIES; BY ADDING SECTION 12-8-610 SO AS TO REQUIRE AN EMPLOYER TO WITHHOLD SIX PERCENT OF THE COMPENSATION PAID TO CERTAIN EMPLOYEES WHO FAIL TO PROVIDE CERTAIN INFORMATION RELATED TO TAXPAYER IDENTIFICATION NUMBERS, TO PROHIBIT CASH PAYMENTS FOR COMPENSATION, AND TO PROVIDE FOR CRIMINAL PENALTIES; BY ADDING ARTICLE 13 TO CHAPTER 11, TITLE 8 SO AS TO REQUIRE PUBLIC EMPLOYERS OF THE STATE TO REGISTER AND PARTICIPATE IN THE FEDERAL WORK AUTHORIZATION PROGRAM AND TO PROHIBIT A PUBLIC EMPLOYER OF THIS STATE FROM ENTERING INTO A CONTRACT FOR SERVICES UNLESS THE CONTRACTOR AND SUBCONTRACTOR COMPLY WITH THE FEDERAL WORK AUTHORIZATION PROGRAM IN VERIFYING INFORMATION ON ALL NEW EMPLOYEES; BY REDESIGNATING SECTIONS 41-1-10 THROUGH 41-1-110, RELATING TO GENERAL PROVISIONS REGARDING LABOR AND EMPLOYMENT, AS ARTICLE 1 AND BY ADDING ARTICLE 3 TO CHAPTER 1 OF TITLE 41 SO AS TO REQUIRE PRIVATE EMPLOYERS IN THE STATE TO REGISTER AND PARTICIPATE IN THE FEDERAL WORK AUTHORIZATION PROGRAM, TO PROHIBIT A PRIVATE EMPLOYER OF THIS STATE FROM ENTERING INTO A CONTRACT FOR SERVICES UNLESS THE CONTRACTOR AND SUBCONTRACTOR COMPLY WITH THE FEDERAL WORK AUTHORIZATION PROGRAM IN VERIFYING INFORMATION ON ALL NEW EMPLOYEES, AND TO DENY AN EMPLOYER WHO VIOLATES THE ARTICLE ACCESS TO STATE-CONFERRED ECONOMIC INCENTIVES; BY ADDING SECTION 23-3-80 SO AS TO DIRECT THE CHIEF OF THE STATE LAW ENFORCEMENT DIVISION TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND THE DEPARTMENT OF JUSTICE OR THE DEPARTMENT OF HOMELAND SECURITY CONCERNING THE ENFORCEMENT OF FEDERAL IMMIGRATION AND CUSTOMS LAWS IN THE STATE; BY ADDING CHAPTER 52 TO TITLE 23 SO AS TO REQUIRE REASONABLE EFFORTS BY LOCAL LAW ENFORCEMENT OFFICIALS TO DETERMINE THE NATIONALITY OF A PERSON CHARGED WITH A FELONY OR DRIVING UNDER THE INFLUENCE OFFENSE AND HIS EMPLOYER'S NAME AND ADDRESS; BY ADDING CHAPTER 91 TO TITLE 40 SO AS TO PROVIDE REQUIREMENTS FOR A PERSON ENGAGED IN THE PROFESSION OF PROVIDING IMMIGRATION ASSISTANCE; BY ADDING SECTION 42-1-365 SO AS TO EXCEPT AN EMPLOYEE FROM WORKERS' COMPENSATION BENEFITS AND AN EMPLOYER FROM WORKERS' COMPENSATION AND COMMON LAW PROTECTIONS IF THE EMPLOYEE'S PRESENCE IN THE UNITED STATES IS UNLAWFUL; BY ADDING ARTICLE 11 TO CHAPTER 5, TITLE 43 SO AS TO REQUIRE A STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE TO VERIFY THE LAWFUL PRESENCE OF A PERSON SEEKING TO OBTAIN PUBLIC BENEFITS; TO ADD SECTION 16-17-645 SO AS TO CREATE THE OFFENSE OF CRIMINAL EXTORTION OR BLACKMAIL OF AN IMMIGRANT AND TO PROVIDE A PENALTY; TO AMEND SECTION 17-15-30, AS AMENDED, RELATING TO DETERMINING RELEASE OF AN ACCUSED SO AS TO MANDATE THE COURT TO DETERMINE IF AN ILLEGAL ALIEN'S STATUS MAKES HIM A FLIGHT RISK; BY ADDING SECTIONS 4-1-180, 5-7-320, AND 40-1-230 SO AS TO PROVIDE THAT A COUNTY OR A MUNICIPALITY OR A STATE BOARD THAT ISSUES A LICENSE PURSUANT TO TITLE 40, MAY NOT ISSUE OR RENEW A LICENSE WITHOUT THE APPLICANT'S NAME, ADDRESS, AND SOCIAL SECURITY NUMBER AND PROVIDE THAT THE APPLICANT FOR A LICENSE MUST BE LAWFULLY PRESENT IN THE UNITED STATES AND THE APPLICANT SHALL PROVE HIS IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT; AND TO CREATE A STUDY COMMITTEE TO STUDY APPROPRIATE ENFORCEMENT OF FEDERAL AND STATE LAWS RELATING TO THE PRESENCE OF ILLEGAL ALIENS IN THIS STATE AND TO RECOMMEND LEGISLATIVE CHANGES AS APPROPRIATE.

**05/17/07 House Introduced and read first time HJ-62**

**05/17/07 House Referred to Committee on Ways and Means HJ-62**