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Indicates New Matter

AMENDED

April 18, 2018

**H. 4496**

Introduced by Reps. Bannister, Burns, Toole, Long, Chumley, Magnuson and McCravy

S. Printed 4/18/18--H.

Read the first time January 9, 2018.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO CREATE, PREPARE, MAINTAIN, AND CERTIFY A REPORT LISTING BY NAME EACH SOUTH CAROLINA POLITICAL SUBDIVISION IT HAS DETERMINED TO BE IN COMPLIANCE WITH SECTIONS 17‑13‑170 AND 23‑3‑1100; TO DESIGNATE THIS REPORT THE “IMMIGRATION COMPLIANCE REPORT” (ICR); TO DELINEATE SPECIFIC DUTIES AND RESPONSIBILITIES RELATING TO THE SUBMISSION OF DOCUMENTATION NECESSARY TO PREPARE THE ICR; TO REQUIRE SLED ANNUALLY TO PROVIDE COPIES TO THE GOVERNOR, GENERAL ASSEMBLY, AND STATE TREASURER, TO PROHIBIT THE STATE TREASURER FROM DISBURSING CERTAIN FUNDS TO POLITICAL SUBDIVISIONS THAT HAVE NOT BEEN CERTIFIED AS COMPLIANT IN THE ICR, TO AUTHORIZE SLED TO CONDUCT CRIMINAL INVESTIGATIONS RELATING TO ICR CERTIFICATIONS; TO PROVIDE SANCTIONS FOR POLITICAL SUBDIVISIONS THAT HAVE BEEN FOUND TO HAVE SUBMITTED FALSIFIED COMPLIANCE DOCUMENTATION TO SLED; TO DEFINE “POLITICAL SUBDIVISION”, AND TO PROVIDE THAT THE SANCTIONS AND REMEDIES DELINEATED IN THIS ACT ARE IN ADDITION TO OTHER SANCTIONS AND REMEDIES PROVIDED BY LAW.

Amend Title To Conform

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

SECTION 1. Section 6‑1‑170(E) of the 1976 Code is amended to read:

“(E)(1) Notwithstanding any other provision of law, a resident of a political subdivision in this State, the Attorney General, or both, may bring a civil action in the circuit court in which the resident and political subdivision are located to enjoin:

(a) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from seeking to enforce a state law with regard to immigration;

(b) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from communicating to appropriate federal or state officials regarding the immigration status of a person within this State; or

(c) an enactment by the political subdivision of any ordinance, policy, regulation, or other legislation pertaining to the employment, licensing, permitting, or otherwise doing business with a person based upon that person’s authorization to work in the United States, which intentionally exceeds or conflicts with federal law or that intentionally conflicts with state law.

(2) A person who is not a resident of the political subdivision may not bring an action against the political subdivision pursuant to this subsection. The action must be brought against the political subdivision and not against an employee of the political subdivision acting in the employee’s individual capacity.

(3) If the court finds that the political subdivision has intentionally violated this section~~,~~:

(a) the court shall enjoin the enactment, action, policy, or practice, and may enter a judgment against the political subdivision of not less than one thousand dollars nor more than five thousand dollars for each day that the enactment, action, policy, or practice remains or remained in effect~~.~~; provided, the proceeds from any such judgment must be used to reimburse the resident’s reasonable attorney’s fees~~.~~ and any remaining proceeds must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of Chapter 8, Title 41; and

(b) the political subdivision may not receive Local Government Fund appropriations for a minimum of three consecutive fiscal budget years after the finding is made.”

SECTION 2. Section 17‑13‑170(E) of the 1976 Code is amended to read:

“(E)(1) Except as provided by federal law, officers and agencies of this State and political subdivisions of this State may not be prohibited or restricted from sending, receiving, or maintaining information related to the immigration status of any person or exchanging that information with other federal, state, or local government entities for the following purposes:

(~~1~~a) determining eligibility for any public benefit, service, or license provided by the federal government, this State, or a political subdivision of this State;

(~~2~~b) verifying any claim of residence or domicile, if determination of residence or domicile is required under the laws of this State or a judicial order issued pursuant to a civil or criminal proceeding in this State;

(~~3~~c) determining whether an alien is in compliance with the federal registration laws prescribed by Chapter 7, Title II of the federal Immigration and Nationality Act; or

(~~4~~d) pursuant to 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644.

(2) A political subdivision that pursuant to Section 6‑1‑170(E) has been afforded due process and found by a court to have violated the provisions of this section may not receive Local Government Fund appropriations for a minimum of three consecutive fiscal budget years after the finding is made.”

SECTION 3. Section 23‑2‑1100 of the 1976 Code is amended by adding a subsection at the end to read:

“( ) A political subdivision that pursuant to Section 6‑1‑170(E) has been afforded due process and found by a court to have violated the provisions of this section may not receive Local Government Fund appropriations for a minimum of three consecutive fiscal budget years after the finding is made.”

SECTION 4. This act takes effect upon approval by the Governor.

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