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Legislative Update

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Up to date as of 8/20/19

S. 18 – Ignition Interlock

- Would allow ignition interlock on habitual traffic offender
- Would allow for ignition interlock on temporary alcohol license
- In House Judiciary as of 3/7/19

S. 69 – Magistrates Jurisdiction

- Increase civil jurisdiction to \$15,000
- In Senate Judiciary as of 1/8/19

S. 98 – Magistrates Jurisdiction

- Increase civil jurisdiction to \$10,000
- In Senate Judiciary as of 1/8/19

S. 101 – Magistrate Eligibility Exam

- Increases validity of eligibility exam results to one year
- In Senate Judiciary as of 1/8/19

S. 105 – Animal Cruelty

- Every four years, at mandatory CLE programs, magistrates and municipal judges must receive at least two hours of instruction on issues concerning animal cruelty.
- Signed by governor and effective 5/16/19

S. 162 – Vehicle Registration

- Increases penalty for failure to register a motor vehicle to up to \$500 and/or 30 days in jail
- In House Judiciary as of 4/11/19

S. 180 – Drones

- Makes it unlawful to fly a drone in proximity to a federal military installation w/o prior approval
- Up to \$500 and/or 30 days in jail
- In House Judiciary as of 4/10/19

S. 276 – Weapons

- Makes it a crime to threaten, solicit, or conspire to harm persons or property in certain locations using a dangerous weapon
- Provides suspects may be ordered to undergo mental health evaluations as a condition of bond
- Provides differentiated penalties
- In House Judiciary as of 4/11/19

S. 281 – Service Animals

- Makes it a misdemeanor to misrepresent an animal as a service animal and provides for sealing the record of the conviction under certain circumstances
- Would allow LL to ask a tenant or prospective tenant the following Qs to determine whether an animal that is not a service animal should be deemed a reasonable accommodation:
 - Does the person seeking to use and live with the animal have a disability that is a physical or mental impairment that substantially limits one or more major life activities?
 - Does the person seeking to use and live with the animal have a disability-related need for the animal?
 - Landlords may request documentation to verify the tenant's responses to the above questions. Such documentation shall be deemed sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.
- Signed by governor and effective 5/16/19

S. 397 – Municipal Police Officer Authority

- Gives county sheriffs authority to pursue and arrest certain violators of alcoholic beverage laws outside their county
 - Municipal officers already have this authority
- Out of House Judiciary 5/8/19

S. 443 – Assessments

- Magistrates salary bill
- In Senate Judiciary as of 1/29/19

S. 639 – Sentencing Reform

- amends certain restitution statutes;
- creates a probation/suspended sentence schedule;
- adds a procedure for modifying sentences after a period of incarceration;
- reduces percentage of sentence that must be served before no parole inmate is eligible for certain programs;
- limits court’s authority to revoke probation;
- removes mandatory minimum sentences from numerous statutes;
- creates intermediate penalties for a number of offenses;
- enacts the “Drug Court Program Act” requiring the Chief Justice to appoint the judges.
- In Senate Judiciary as of 3/12/19

S. 640 – Criminal Reporting

- Shortens time certain offense dispositions and types of orders must be reported to SLED,
- Requires summary court judges to report within certain timelines:
 - Dispositions to SLED w/in 10 days
 - Report to SLED w/in 48 hours any restraining orders and emergency restraining order, orders of protection from domestic abuse, state firearm prohibitions, and any other orders that prohibit a person from legally purchasing or possessing a firearm
- Creates the Judicial Criminal Information Technology Committee
- Out of Senate Judiciary Committee with favorable report 3/27/19

S. 656 – Automobile Dismantler/Recycler

- Substitutes the term “automobile dismantler/recycler” for demolisher in numerous statutes
- Amends penalty provisions in § 16-17-680 governing sales of nonferrous metals.
- Out of Senate Transportation Committee with favorable report as of 4/24/19
- Companion Bill: H. 4316

S. 662 – Sex Offender Registry

- Require an offender on the sex offender registry must notify an administrative official, manager, or on-site LEO of his status as a registered sex offender upon his entrance into any emergency shelter
- Up to 30 days and/or \$500
- In Senate Judiciary as of 3/14/19

S. 666 – Golf Carts

- Allows municipalities to adopt an ordinance allowing the operation of a permitted golf cart for up to 60 minutes after sunset on locally owned roads of which the posted speed limit is 35 MPH or less if the golf cart has operable headlights and brake lights.
- In House Committee on Education and Public Works as of 4/9/19

S. 699 – Student Threats

- Provides a penalty for student threats – misdemeanor up to 30 days and/or \$1000
- In Senate Judiciary as of 3/21/19
- Currently, a person convicted of a violation would be sentenced pursuant to §17-25-30, to a misdemeanor punishable by up to 10 years imprisonment. This charge is a General Sessions level offense and the appropriate CDR code is 3554.

S. 723 – SC Hands-Free Act

- Enacts SC Hands-Free Act
- Amends statutes related to unlawful use of a wireless telecommunications device while operating a motor vehicle
- In Senate Committee on Transportation as of 3/28/19
- (H. 4347 increases penalty for current offense. In House Judiciary as of 3/28/19)

H. 3060 – Right to Counsel

- Every defendant in the summary courts of this State facing criminal charges that carry the possibility of imprisonment must be informed of their right to counsel and, if indigent, their right to court-appointed counsel prior to proceeding with trial. Absent a waiver of counsel, or the appointment of counsel for an indigent defendant, summary court judges shall not impose a sentence of jail time or imprisonment, and are limited to imposing a penalty of a fine only for those defendants, if convicted. When imposing a fine, consideration should be given to a defendant's ability to pay. If a fine is imposed, an unrepresented defendant should be advised of the amount of the fine and when the fine must be paid. The provisions of this subsection also apply to those defendants who fail to appear at trial and are tried in their absence."
- In House Judiciary as of 1/8/19

H. 3065 – Civil Jurisdiction

- Increase civil jurisdiction to \$15,000
- In House Judiciary as of 1/8/19

H. 3079 – Trespassing

- Allows for different methods of posting notice of trespassing
- The owner or tenant of any lands may accomplish the required posting of notice as follows:
 - (1) by posting a notice in four conspicuous places on the borders of such land prohibiting entry thereon; or
 - (2) by marking boundaries with a clearly visible purple-painted marking, consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are not more than one hundred yards apart and readily visible to any person approaching the property.
- Read second time in Senate 5/8/19

H. 3162 – Transfer Court

- Increase transfer court eligible cases to those carrying up to 3 years imprisonment
- In House Judiciary as of 1/8/19
- H. 3232 is a companion bill – also in House Judiciary as of 1/8/19

H. 3174 – Electric Assisted Bicycles

- Defines “electric-assist bicycles” and “bicycles with helper motors”
- Bicyclists operating bicycles with helper motors are subject to all statutory provisions applicable to bicyclists
- Senate returned to House w/ amendments on 5/9/19

H. 3322 – Sentencing Reform

- Among other things, directs solicitors to establish and run drug courts;
- amends numerous criminal penalty statutes to remove minimum penalties;
- requires the ability of the defendant to pay when ordering restitution and sets limit where hardship is found;
- limits period of probation or sentence suspension by class of offense but allows probation for purposes of restitution to last five years;
- requires completion of probation as well as completion of CSP to satisfy sentence;
- permits inmates to petition General Sessions to modify sentence after serving 15 years and most of those serving "no parole" sentences to petition after serving 65% of their sentences
- House debate adjourned until 5/7/19

H. 3355 – Driving Under the Influence of an Electronic Device (DUI-E)

- While driving, unlawful to hold a wireless telecommunications device (earpiece, Bluetooth excepted), text, IM, email, search the internet (voice-based communication sent to the device excepted), or watch a movie/video aside from GPS
- \$200 fine, no fees or assessments, no custodial arrest (except for FTA when summoned or failure to pay fine), not a criminal offense
- Out of committee, debate adjourned until 3/20/19

H. 3384 – Pretrial Intervention

- A circuit solicitor, in his discretion, may designate a summary court judge to oversee a pretrial intervention program subject to the provisions of this article for persons who commit offenses triable in summary court. In such cases, the circuit solicitor, together with the summary court judge, shall enter into a memorandum of understanding to ensure that the provisions of this article and chapter are complied with including, but not limited to, applicable fee and reporting requirements.
- In House Judiciary as of 1/8/19

H. 3385 – Deferred Prosecution Program

- Provide solicitor authority to establish a deferred prosecution program for summary court offenses
- In House Judiciary as of 1/8/19

H. 3420 – Youth Access to Tobacco Prevention Act of 2006

- Prohibits a minor under 18 from entering a retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, unless actively supervised and accompanied by an adult
- Amends “alternative nicotine product” to include any vaping product, whether or not it includes nicotine
- Creates unlawful possession of a container of e-liquid – GS offense
- Signed by Governor and effective 4/26/19

H. 3586 – 911 Misdemeanor

- Amends unlawful use of 911 to change the term “telephone” to “contact”
- Signed by Governor and effective on 5/16/19

H. 3601 – Disorderly Conduct

- Provides for conditional discharge for first time offenders for disorderly conduct charges
- Vetoed by Governor 5/28/19
- Veto overridden by House and Senate 6/25/19 – effective date

H. 3843 – Magistrates’ Education and Improvement Act

- Magistrate salaries
- In House Judiciary as of 2/5/19

H. 3916 – Vehicle Registration

- Increased penalty of a violation of the tax year on motor vehicles statute (§12-37-2610) to 30 days and/or \$500
- Signed by Governor and effective 5/16/19

H. 3973 – Female Genital Mutilation

- Prohibits genital mutilation of a female who is under the age of 18 or who is unable to consent
- Creates a felony offense of female genital mutilation
- Signed by governor and effective 5/16/19

H. 4245 – Cell-Cultured Meat

- Unlawful to advertise, sell, label, or misrepresent as “meat” or “clean meat” all or part of a carcass that is cell-cultured meat/protein, or is not derived from harvested production livestock, poultry, fish, or crustaceans
- Signed by Governor and effective 5/16/19

H. 4313 – SPMJ

- Decriminalize SPMJ and authorizes law enforcement to issue a civil citation for the possession of that quantity of marijuana or hashish
- In House Judiciary as of 3/26/19

H. 4380 – The Samantha L. Josephson Ridesharing Safety Act

- Section 58-23-1640 regarding the safety inspection of TNC (Transportation Network Company) is amended to add the appropriately lettered subsections at the end to read:
 - At the time of a pick up of a TNC passenger, a TNC vehicle must display the vehicle's license plate number, which must be printed in a legible font of no less than two inches in height and displayed from the front of the TNC vehicle. The display of the license plate number shall not be required to be permanent and shall not be required to be issued or approved by a TNC or the State, including the Department of Motor Vehicles or the Office of Regulatory Staff.
 - A person who misrepresents himself as an authorized TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.
 - A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than two years, or both.
- Signed by Governor 5/16/19, effective 30 days after approval by Governor: 6/15/19

Act 268 of 2016 – Raise the Age

- Raised age of child/juvenile to a person less than 18 years of age
 - Definition excludes person 17 years or older who is charged with a Class A, B, C, or D felony as defined in §16-1-20 or a felony that carries imprisonment of a maximum of 15 years or more
- Summary courts have concurrent jurisdiction over persons less than eighteen years of age charged on or after July 1, 2019 with traffic offenses and violations of Title 50 offenses. This expressly includes seventeen-year-olds charged with those offenses, notwithstanding the failure to update Section 63-3-520 in Act 268 of 2016.
- Effective July 1, 2019 – savings clause
