**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3228**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. G.M. Smith

Document Path: l:\council\bills\ms\7122ahb09.docx

Introduced in the House on January 13, 2009

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

Summary: Controlled substances

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑97

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑97

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\3228_20090113.docx)

**A** **BILL**

TO AMEND SECTION 44‑53‑590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PENALTY FOR USE OF PROPERTY IN VIOLATION OF CERTAIN CONTROLLED SUBSTANCE LAWS, SO AS TO INCREASE THE CRIMINAL PENALTY, CREATE A CIVIL PENALTY, AND PROVIDE FOR APPORTIONMENT OF THE CIVIL FINE AMONG MULTIPLE VIOLATORS.

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

SECTION 1. Section 44‑53‑590 of the 1976 Code is amended to read:

“Section 44‑53‑590. (A) ~~Any~~A person who knowingly uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture as provided for in Section 44‑53‑520 or 44‑53‑530, except ~~for innocent owners, rental agencies, lienholders, and the like~~as provided ~~for~~in this article, is guilty of a ~~misdemeanor~~felony and, upon conviction, must be imprisoned for not ~~less than thirty days nor~~ more than ~~one year~~twenty years or fined not more than five hundred thousand dollars, or both, ~~in the discretion of the court~~or a fine of two million dollars for an entity other than an individual.

(B) In addition to the criminal penalties prescribed in subsection (A), a person who violates the provisions of this section is subject to a civil penalty of not more than two hundred fifty thousand dollars or two times the gross receipts, known or estimated, derived from each violation that is attributable to the person. If the latter option is ordered by the court, and there is more than one defendant, the court may apportion the civil penalty between multiple violators; however, each violator is jointly and severally liable for the civil penalty pursuant to this subsection.

(C) The penalties prescribed in ~~this section~~subsections (A) and (B) are cumulative and must be construed to be in addition to any other penalty prescribed by ~~any other~~another provision of this article relating to controlled substances or harmful or illegal drugs.

(D) A person who violates the provisions of this section is subject to declaratory and injunctive remedies as provided by law.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

‑‑‑‑XX‑‑‑‑