**South Carolina General Assembly**

118th Session, 2009-2010

**A62, R114, H3761**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cooper

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Introduced in the House on March 25, 2009

Introduced in the Senate on April 30, 2009

Passed by the General Assembly on May 21, 2009

Became law without Governor's signature, June 3, 2009

Summary: Drug proceeds

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/25/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-25-09.docx)‑10

3/25/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\03-25-09.docx)‑10

4/22/2009 House Committee report: Favorable **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑7

4/28/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\04-28-09.docx)‑26

4/29/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑21

4/30/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑16

4/30/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑16

5/5/2009 Senate Referred to Subcommittee: Knotts (ch), Massey, Coleman

5/14/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\05-14-09.docx)‑18

5/19/2009 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2009\05-19-09.docx)‑27

5/19/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\05-19-09.docx)‑27

5/20/2009 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2009\05-20-09.docx)‑62

5/21/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑46

5/21/2009 House Roll call Yeas‑104 Nays‑0 [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑46

5/27/2009 Ratified R 114

6/3/2009 Became law without Governor's signature

6/11/2009 Effective date 06/03/09

6/12/2009 Act No. 62

**VERSIONS OF THIS BILL**

[3/25/2009](file:///p:\pprever\2009-10\3761_20090325.docx)

[4/22/2009](file:///p:\pprever\2009-10\3761_20090422.docx)

[5/14/2009](file:///p:\pprever\2009-10\3761_20090514.docx)

[5/19/2009](file:///p:\pprever\2009-10\3761_20090519.docx)

(A62, R114, H3761)

**AN ACT TO AMEND SECTION 44‑53‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.**

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

**Controlled substances, use of forfeited drug proceeds**

SECTION 1. Section 44‑53‑530(g) of the 1976 Code is amended to read:

“(g) All forfeited monies and proceeds from the sale of forfeited property as defined in Section 44‑53‑520 must be retained by the governing body of the local law enforcement agency or prosecution agency and deposited in a separate, special account in the name of each appropriate agency. These accounts may be drawn on and used only by the law enforcement agency or prosecution agency for which the account was established. For law enforcement agencies, the accounts must be used for drug enforcement activities, or for drug or other law enforcement training or education. For prosecution agencies, the accounts must be used in matters relating to the prosecution of drug offenses and litigation of drug‑related matters.

These accounts must not be used to supplant operating funds in the current or future budgets. Expenditures from these accounts for an item that would be a recurring expense must be approved by the governing body before purchase or, in the case of a state law enforcement agency or prosecution agency, approved as provided by law.

In the case of a state law enforcement agency or state prosecution agency, monies and proceeds must be remitted to the State Treasurer who shall establish separate, special accounts as provided in this section for local agencies.

All expenditures from these accounts must be documented, and the documentation made available for audit purposes and upon request by a person under the provisions of Chapter 4, Title 30, the Freedom of Information Act.”

**Savings clause**

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.

**Time effective**

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

Ratified the 27th day of May, 2009.

Became law without the signature of the Governor -- 6/3/09.

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