**South Carolina General Assembly**

120th Session, 2013-2014

**A296, R314, S813**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hayes, Peeler, O'Dell, Alexander, McElveen, McGill, Pinckney, Johnson, Williams and Verdin

Document Path: l:\council\bills\ms\7325ahb14.docx

Companion/Similar bill(s): 4818

Introduced in the Senate on January 14, 2014

Introduced in the House on April 10, 2014

Last Amended on May 29, 2014

Passed by the General Assembly on June 3, 2014

Governor's Action: June 13, 2014, Vetoed

Legislative veto action(s): Veto overridden

Summary: Public library trespass

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2013 Senate Prefiled

 12/10/2013 Senate Referred to Committee on **Judiciary**

 1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 30](file:///H%3A%5CSJ%20Archive%5C2014%5C01-14-14.docx))

 1/14/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 30](file:///H%3A%5CSJ%20Archive%5C2014%5C01-14-14.docx))

 1/22/2014 Senate Referred to Subcommittee: McElveen (ch), Corbin, Turner

 4/2/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 8](file:///H%3A%5CSJ%20Archive%5C2014%5C04-02-14.docx))

 4/8/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-08-14.docx))

 4/8/2014 Senate Read second time ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-08-14.docx))

 4/8/2014 Senate Roll call Ayes‑32 Nays‑6 ([Senate Journal‑page 27](file:///H%3A%5CSJ%20Archive%5C2014%5C04-08-14.docx))

 4/9/2014 Senate Read third time and sent to House ([Senate Journal‑page 35](file:///H%3A%5CSJ%20Archive%5C2014%5C04-09-14.docx))

 4/10/2014 House Introduced and read first time

 4/10/2014 House Referred to Committee on **Judiciary**

 5/14/2014 House Committee report: Favorable **Judiciary** ([House Journal‑page 2](file:///H%3A%5CHJ%20Archive%5C2014%5C05-14-14.docx))

 5/20/2014 House Debate adjourned until Wed., 5‑21‑14 ([House Journal‑page 35](file:///H%3A%5CHJ%20Archive%5C2014%5C05-20-14.docx))

 5/21/2014 House Amended ([House Journal‑page 105](file:///H%3A%5CHJ%20Archive%5C2014%5C05-21-14.docx))

 5/21/2014 House Debate adjourned until Thur., 5‑22‑14 ([House Journal‑page 105](file:///H%3A%5CHJ%20Archive%5C2014%5C05-21-14.docx))

 5/22/2014 House Amended ([House Journal‑page 12](file:///H%3A%5CHJ%20Archive%5C2014%5C05-22-14.docx))

 5/22/2014 House Read second time ([House Journal‑page 12](file:///H%3A%5CHJ%20Archive%5C2014%5C05-22-14.docx))

 5/22/2014 House Roll call Yeas‑88 Nays‑13 ([House Journal‑page 13](file:///H%3A%5CHJ%20Archive%5C2014%5C05-22-14.docx))

 5/22/2014 House Unanimous consent for third reading on next legislative day ([House Journal‑page 14](file:///H%3A%5CHJ%20Archive%5C2014%5C05-22-14.docx))

 5/23/2014 House Read third time and returned to Senate with amendments ([House Journal‑page 2](file:///H%3A%5CHJ%20Archive%5C2014%5C05-23-14.docx))

 5/29/2014 Senate House amendment amended ([Senate Journal‑page 103](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 5/29/2014 Senate Roll call Ayes‑41 Nays‑1 ([Senate Journal‑page 103](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 5/29/2014 Senate Returned to House with amendments ([Senate Journal‑page 103](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 5/30/2014 Scrivener's error corrected

 6/3/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 65](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/3/2014 House Roll call Yeas‑89 Nays‑6 ([House Journal‑page 65](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/9/2014 Ratified R 314

 6/13/2014 Vetoed by Governor

 6/19/2014 Senate Veto overridden by originating body Ayes‑39 Nays‑3

 8/27/2014 House Veto overridden Yeas‑75 Nays‑36

 9/3/2014 Effective date 08/27/14

 9/3/2014 Act No. 296

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p%3A%5Cpprever%5C2013-14%5C813_20131210.docx)

[4/2/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140402.docx)

[4/8/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140408.docx)

[5/14/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140514.docx)

[5/21/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140521.docx)

[5/22/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140522.docx)

[5/29/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140529.docx)

[5/30/2014](file:///p%3A%5Cpprever%5C2013-14%5C813_20140530.docx)

(A296, R314, S813)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY THE LIBRARY DIRECTOR, BRANCH MANAGER, OR ACTING BRANCH MANAGER OF THE LIBRARY NOT TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, TO PROVIDE PROCEDURES FOR A WRITTEN WARNING AND FOR APPEALING THE WARNING, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.**

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

**Public library trespass, warning, appeal, penalties**

SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

 “Section 16‑11‑625. (A)(1) A person who enters a public library, without legal cause or good excuse, after having been warned not to do so by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned not more than thirty days.

 (2) A copy of the warning provided for by subsection (A)(1) must be given to the person in writing, in the presence of a law enforcement officer, and must state:

 (a) the alleged criminal law violation or the alleged violation of the library’s code of conduct promulgated by the library’s board of trustees under the authority provided by Section 4‑9‑37(b);

 (b) the duration of the prohibition to return; and

 (c) the procedure by which the person may appeal the warning to the library board of trustees. The person receiving notice of trespass wishing to appeal the notice must submit a request for a hearing to the board within five business days of receiving the notice. The board of trustees of the library must then provide a hearing within ten business days of the request for an appeal.

 (B) A violation of the provisions of this section is triable in the appropriate municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this State or a subdivision of this State may enforce the provisions of this section within their respective jurisdictions.

 (C) The provisions of this section must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another.”

**Severability clause**

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

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

Ratified the 9th day of June, 2014.

Vetoed by the Governor -- 6/13/14.

Veto overridden by Senate -- 6/19/14.

Veto overridden by House -- 8/27/14.

\_\_\_\_\_\_\_\_\_\_