RECALLED

May 27, 2014

**S. 1173**

Introduced by Senator Hayes

S. Printed 5/27/14--H.

Read the first time May 22, 2014.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 25 SO AS TO CREATE THE SOUTH CAROLINA PRISONER OF WAR MEDAL, TO PROVIDE THAT THE GOVERNOR MAY PRESENT THE MEDAL ON BEHALF OF THE PEOPLE OF THE STATE OF SOUTH CAROLINA, TO SET FORTH ELIGIBILITY, AND TO ALLOW THE MEDAL TO BE AWARDED TO A DECEASED OR ABSENT PERSON.

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

SECTION 1. Chapter 11, Title 25 of the 1976 Code is amended by adding:

“Article 5

South Carolina Prisoner of War Medal

Section 25‑11‑510. There is created the South Carolina Prisoner of War ‘POW’ Medal. The Governor may present the medal on behalf of the people of the State of South Carolina to any person who:

(1) on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during a time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense;

(2) on the date of induction into the organized militia or federal military service, was not a resident of this State but currently resides in this State or was a resident at the time of death and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense; or

(3) meets the residency requirements of item (1) or (2), and was taken prisoner and held captive while:

(a) engaged in an action against an enemy of the United States;

(b) engaged in military operations involving conflict with an opposing foreign force; or

(c) serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

Section 25‑11‑520. (A) The South Carolina Division of Veterans’ Affairs, in consultation with the Adjutant General, shall determine eligibility for the medal. For any person qualifying for the medal pursuant to Section 25‑11‑510(3), the Director of the Division of Veterans’ Affairs shall determine eligibility on a case by case basis. There is no required period of captivity; however, the director and the Adjutant General shall compare such cases to those under which persons have generally been held captive by enemy forces during periods of armed conflict.

(B) The Division of Veterans’ Affairs may require a copy of DD Form 214 or WD Form 53 and any other information necessary to determine eligibility.

Section 25‑11‑530. Any person convicted by a United States military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based on actions while a POW is ineligible for the medal. Any POW whose conduct was not in accord with the Code of Conduct and whose actions are documented by United States military records, is ineligible for the medal. Resolution of questionable cases shall be the responsibility of the Director of the Division of Veterans’ Affairs, in consultation with the Adjutant General.

Section 25‑11‑540. No person may be awarded more than one South Carolina POW Medal.

Section 25‑11‑550. The medal may be awarded for a deceased person or a person absent as a prisoner of war and presented to the person’s next of kin.

Section 25‑11‑560. The Division of Veterans’ Affairs must develop and implement a plan to accept nominations for the medal.

Section 25‑11‑570. (A) The Adjutant General, in consultation with the Director of the Division of Veterans’ Affairs, shall develop the appropriate design and appearance of the medal and a ribbon to be worn in lieu of the medal. However, nothing in this section requires the Director of the Division of Veterans’ Affairs or the Adjutant General to provide or pay for the medal, ribbon, or its design.

(B) There is created in the State Treasury a special fund to be known as the South Carolina Prisoner of War Medal Fund for the sole purpose of receipt and disbursement of donated funds from the public to be used in the design, production, purchasing, and presentation of the South Carolina Prisoner of War Medal as administered by the Director of the South Carolina Division of Veterans’ Affairs, in consultation with the Adjutant General. The Office of the South Carolina Division of Veterans’ Affairs, or the Adjutant General, shall remit all funds donated to the South Carolina Prisoner of War Medal Fund to the Office of State Treasurer for deposit and disbursement.”

SECTION 2. This act takes effect upon approval by the Governor.

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