**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “NDAA NULLIFICATION ACT OF 2013”, BY ADDING SECTION 8‑1‑15, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, TO PROHIBIT ANY OFFICER OR EMPLOYEE OF THE STATE OR ANY OFFICER OR EMPLOYEE OF A POLITICAL SUBDIVISION FROM AIDING THE DETENTION OF ANY UNITED STATES CITIZEN WITHOUT TRIAL BY THE U.S. ARMED FORCES IN VIOLATION OF THE CONSTITUTION OF SOUTH CAROLINA.

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

SECTION 1. This act may be referred to and cited as the “NDAA Nullification Act of 2013.”

SECTION 2. The General Assembly finds that:

(1) Section 1021 of the National Defense Authorization Act of 2012 purports to assert the President’s authority to not only arrest suspected terrorists, but also to determine whether a trial, including the type of trial, will be held for those arrested;

(2) Section 1022 of the National Defense Authorization Act of 2012 requires detention without trial by the military for a certain class of terrorist and authorizes, but does not require, the same for citizens of the United States;

(3) The exemption for citizens of the United States in Section 1022 only exempts citizens from the requirement that detainees be detained in military custody; and

(4) The enactment into law by the United States Congress of Section 1021 and 1022 of the National Defense Authorization Act of 2012, P.L 112‑81, is a direct threat to the liberty, security, and well being of the people of South Carolina, and was adopted by the United States Congress in violation of the limits of federal power provided in the United States Constitution.

SECTION 3. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑15. No agency of the State, agency of a political subdivision of the State, officer or employee of the State, officer or employee of a political subdivision of the State, acting in his official capacity, to include any member of the South Carolina Military Department on official duty, or employees of any state or local detention facility may engage in any activity that aids an agency of the armed forces of the United States in execution of 50 U.S.C. 1541, as provided by the National Defense Authorization Act for Fiscal Year 2012, in the investigation, prosecution, or detainment of any citizen of the United States in violation of Section 3, Article I, and Section 14, Article I of the South Carolina Constitution.”

SECTION 4. This act takes effect upon approval by the Governor.

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