**South Carolina General Assembly**

121st Session, 2015-2016

**A236, R289, H5299**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, J.E. Smith, Herbkersman, Huggins, Merrill, Anderson, Spires, McCoy, Limehouse, Collins, Stavrinakis, Bernstein, Riley, Bannister, Finlay, Weeks, Bingham, Rutherford, Kennedy, Newton, Horne, Cole, Jefferson, Williams and R.L. Brown

Document Path: l:\council\bills\bbm\9479dg16.docx

Companion/Similar bill(s): 1263

Introduced in the House on April 28, 2016

Introduced in the Senate on May 11, 2016

Last Amended on May 24, 2016

Passed by the General Assembly on May 31, 2016

Governor's Action: June 3, 2016, Signed

Summary: Governor's authority in times of emergency

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/28/2016 House Introduced and read first time ([House Journal‑page 40](file:///h:\HJ%20Archive\2016\04-28-16.docx))

4/28/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 40](file:///h:\HJ%20Archive\2016\04-28-16.docx))

5/3/2016 House Member(s) request name added as sponsor: Bingham, Rutherford, Kennedy, Newton

5/4/2016 House Member(s) request name added as sponsor: Horne, Cole, Jefferson, Williams

5/4/2016 House Recalled from Committee on **Judiciary** ([House Journal‑page 17](file:///h:\HJ%20Archive\2016\05-04-16.docx))

5/5/2016 House Member(s) request name added as sponsor: R.L.Brown

5/5/2016 House Read second time ([House Journal‑page 144](file:///h:\HJ%20Archive\2016\05-05-16.docx))

5/5/2016 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 144](file:///h:\HJ%20Archive\2016\05-05-16.docx))

5/5/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 145](file:///h:\HJ%20Archive\2016\05-05-16.docx))

5/6/2016 House Read third time and sent to Senate ([House Journal‑page 1](file:///h:\HJ%20Archive\2016\05-06-16.docx))

5/11/2016 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2016\05-11-16.docx))

5/11/2016 Senate Referred to Committee on **General** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2016\05-11-16.docx))

5/18/2016 Senate Recalled from Committee on **General** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2016\05-18-16.docx))

5/24/2016 Senate Amended ([Senate Journal‑page 73](file:///h:\SJ%20Archive\2016\05-24-16.docx))

5/24/2016 Senate Read second time ([Senate Journal‑page 73](file:///h:\SJ%20Archive\2016\05-24-16.docx))

5/24/2016 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 73](file:///h:\SJ%20Archive\2016\05-24-16.docx))

5/26/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 22](file:///h:\SJ%20Archive\2016\05-26-16.docx))

5/31/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 77](file:///h:\HJ%20Archive\2016\05-31-16.docx))

5/31/2016 House Roll call Yeas‑83 Nays‑0 ([House Journal‑page 77](file:///h:\HJ%20Archive\2016\05-31-16.docx))

6/2/2016 Ratified R 289

6/3/2016 Signed By Governor

6/9/2016 Effective date 06/03/16

6/9/2016 Act No. 236

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5299&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/28/2016](file:///p:\pprever\2015-16\5299_20160428.docx)

[5/4/2016](file:///p:\pprever\2015-16\5299_20160504.docx)

[5/18/2016](file:///p:\pprever\2015-16\5299_20160518.docx)

[5/24/2016](file:///p:\pprever\2015-16\5299_20160524.docx)

(A236, R289, H5299)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑445 SO AS TO REQUIRE THE DIRECTOR OF THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION TO DEVELOP A SYSTEM BY WHICH A PERSON WHO TRANSPORTS GOODS OR SERVICES, OR WHO ASSISTS IN THE RESTORATION OF UTILITY SERVICES CAN BE CERTIFIED FOR THE PURPOSE OF REENTRY INTO AN AREA SUBJECT TO A STATE OR LOCAL CURFEW, TO PROVIDE QUALIFICATIONS FOR CERTIFICATION, AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A CERTIFIED PERSON IS ALLOWED TO REENTER OR REMAIN IN A CURFEW AREA.**

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

**Entry into area under curfew**

SECTION 1. Article 4, Chapter 1, Title 25 of the 1976 Code is amended by adding:

“Section 25‑1‑445. (A) The Director of the South Carolina Emergency Management Division shall develop a system by which a person who transports goods or services, or assists in ensuring their availability, and a person who assists in the restoration of utility or other services can be certified as such for the purpose of reentry into an area subject to a state or local curfew. The certification system shall be included in the State Emergency Plan.

(B) Before certification, the employer must be in good standing with the South Carolina Secretary of State as a bona fide company doing business in South Carolina. The employer’s status may be verified on the website maintained by the South Carolina Secretary of State. A certification of the employer constitutes a certification of the employer’s employees.

(C) Notwithstanding the existence of any curfew, a person who is certified pursuant to this section shall be allowed to reenter or remain in the curfew area for the limited purpose of transporting goods or services or assisting in the restoration of utility or other services. Nothing in this section shall prohibit law enforcement or local officials from denying access to an area in order to preserve, protect, or sustain the life, health, safety, or economic well‑being of a person or property or from granting access as otherwise deemed necessary.

(D) Nothing in this section shall limit the Governor’s authority, when an emergency has been declared, to set, alter, or exceed the terms of any curfew.”

**Time effective**

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

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.

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