~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 3, 2018

**S. 131**

Introduced by Senators McLeod, Hutto, Jackson, Kimpson, M.B. Matthews, Fanning, Shealy, Senn and Malloy

S. Printed 5/3/18--H.

Read the first time April 18, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 131) to amend Section 16‑17‑420, Code of Laws of South Carolina, 1976, relating to offenses involving disturbing schools, so as to restructure the offenses to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 16‑17‑420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO PROVIDE A DELINEATED LIST OF THOSE ACTIONS WHICH INVOLVE DISTURBING SCHOOLS, TO REVISE THE PENALTY FOR A VIOLATION OF A DISTURBING SCHOOLS OFFENSE, AND TO PROVIDE AN EXCEPTION FOR SCHOOL‑SPONSORED ATHLETIC EVENTS.

Whereas, recent reports indicate there has been an increase in the number of South Carolina students arrested for disturbing schools; and

Whereas, it is in the best interest of all South Carolinians that all students be given every opportunity to succeed in South Carolina’s school systems. Now, therefore

Be it resolved that educators and school administrators throughout the State are urged to exhaust all avenues of behavioral discipline in accordance with the school’s code of conduct prior to requesting the involvement of law enforcement officials. Similarly, law enforcement officials are urged to seek the normal standards of proof when enforcing the criminal laws of this State on school grounds. Law enforcement officials should also maintain and apply officer discretion when enforcing the criminal laws of this State on school grounds.

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

SECTION 1. Section 16‑17‑420 of the 1976 Code is amended to read:

“Section 16‑17‑420. (A) It ~~shall be~~ is unlawful~~:~~

~~(1)~~ ~~for any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or~~

~~(2)~~ ~~for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.~~ for a person who is not a student to wilfully interfere with, disrupt, or disturb the normal operations of a school or college in this State by:

(1) entering upon school or college grounds or property without the permission of the principal or president in charge;

(2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate;

(3) initiating a physical assault on, or fighting with, another person on school or college grounds or property;

(4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct;

(5) threatening physical harm to a student or a school or college employee while on school or college grounds or property; or

(6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat.

(B) For the purpose of this subsection, ‘person who is not a student’ means a person who is not enrolled in, or who is suspended or expelled from, the school or college that the person interferes with, disrupts, or disturbs at the time the interference, disruption, or disturbance occurs.

~~(B)~~(C) Any person ~~violating any of the provisions~~ who violates a provision of this ~~section shall be~~ section is guilty of a misdemeanor and, ~~on~~ upon conviction ~~thereof, shall pay a fine of~~, must be fined not more than ~~one~~ two thousand dollars or ~~be~~ imprisoned ~~in the county jail~~ for not more than ~~ninety days~~ one year, or both.

~~(C)~~ ~~The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section. If the person is a child as defined by Section 63-19-20, jurisdiction must remain vested in the Family Court.~~”

SECTION 2. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-425. (A) It is unlawful for a student of a school or college in this State to make threats to take the life of or to inflict bodily harm upon another by using any form of communication whatsoever.

(B) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other criminal statute.”

SECTION 3. 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.

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

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