**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3040**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Stand your ground, burden of proof

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 48](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 48](h:\hj\20230110.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3040&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3040_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 16-11-450, relating to IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL ACTIONS UNDER CERTAIN CIRCUMSTANCES FOR THE USE OF DEADLY FORCE AGAINST ANOTHER PERSON (STAND YOUR GROUND), so as to PROVIDE THE BURDEN OF PROOF IS ON THE STATE TO PROVE THAT IMMUNITY IS INAPPLICABLE WHEN A DEFENDANT ASSERTS ENTITLEMENT TO IMMUNITY IN A PRETRIAL HEARING PURSUANT TO STAND YOUR GROUND PROVISIONS.

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

SECTION 1. Section 16‑11‑450 of the S.C. Code is amended by adding:

(D) In a pretrial hearing in which the defendant asserts that he is entitled to immunity based on the provisions of this article, the burden of proof that the circumstances do not entitle the defendant to immunity from prosecution is on the State.

SECTION 2. 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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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 3. This act takes effect upon approval by the Governor.

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