**South Carolina General Assembly**

125th Session, 2023-2024

**A76, R92, S330**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Rankin, Alexander, Verdin and Garrett

Companion/Similar bill(s): 331, 3577

Document Path: SJ-0037BM23.docx

Introduced in the Senate on January 10, 2023

Introduced in the House on March 30, 2023

Last Amended on June 14, 2023

Currently residing in the Senate

Summary: Malicious Injury to Public Utilities

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 196)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 196)

 1/12/2023 Senate Referred to Subcommittee: Talley (ch), Hutto,
 Malloy, Gustafson, Reichenbach

 2/9/2023 Scrivener's error corrected

 2/22/2023 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 15)

 2/27/2023 Scrivener's error corrected

 3/16/2023 Senate Committee Amendment Adopted (Senate Journal‑page 9)

 3/16/2023 Senate Read second time (Senate Journal‑page 9)

 3/16/2023 Senate Roll call Ayes-42 Nays-0 (Senate Journal‑page 9)

 3/21/2023 Scrivener's error corrected

 3/28/2023 Senate Amended (Senate Journal‑page 11)

 3/28/2023 Senate Read third time and sent to House (Senate Journal‑page 11)

 3/28/2023 Senate Roll call Ayes-42 Nays-0 (Senate Journal‑page 11)

 3/30/2023 House Introduced and read first time (House Journal‑page 24)

 3/30/2023 House Referred to Committee on **Judiciary** (House Journal‑page 24)

 5/3/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 90)

 5/4/2023 House Amended (House Journal‑page 89)

 5/4/2023 House Read second time (House Journal‑page 89)

 5/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 89)

 5/4/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 94)

 5/5/2023 House Read third time and returned to Senate with amendments (House Journal‑page 19)

 5/10/2023 Senate House amendment amended (Senate Journal‑page 96)

 5/10/2023 Senate Returned to House with amendments (Senate Journal‑page 96)

 5/11/2023 Scrivener's error corrected

 5/16/2023 House Non-concurrence in Senate amendment (House Journal‑page 30)

 5/16/2023 House Roll call Yeas-0 Nays-102

 6/14/2023 Senate Senate insists upon amendment and conference committee appointed Rankin, Sabb, Talley (Senate Journal‑page 80)

 6/14/2023 House Conference committee appointed W. Newton, Bailey, Bernstein (House Journal‑page 9)

 6/14/2023 Senate Conference report received and adopted (Senate Journal‑page 81)

 6/14/2023 Senate Roll call Ayes-36 Nays-0 (Senate Journal‑page 81)

 6/14/2023 House Conference report received and adopted (House Journal‑page 65)

 6/14/2023 House Roll call Yeas-106 Nays-0 (House Journal‑page 65)

 6/14/2023 House Ordered enrolled for ratification (House Journal‑page 69)

 6/14/2023 Ratified R 92

 6/19/2023 Signed By Governor

 6/26/2023 Effective date 06/19/23

 6/26/2023 Act No. 76

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 5/16/2023 House Non-concurrence in Senate amendment ([House Journal‑page 30](file:///h%3A%5Chj%5C20230516.docx))

 5/16/2023 House Roll call Yeas-0 Nays-102

 6/14/2023 Senate Senate insists upon amendment and conference committee appointed Rankin, Sabb, Talley ([Senate Journal‑page 80](file:///h%3A%5Csj%5C20230614.docx))

 6/14/2023 House Conference committee appointed W. Newton, Bailey, Bernstein ([House Journal‑page 9](file:///h%3A%5Chj%5C20230614.docx))

 6/14/2023 Senate Conference report received and adopted ([Senate Journal‑page 81](file:///h%3A%5Csj%5C20230614.docx))

 6/14/2023 Senate Roll call Ayes-36 Nays-0 ([Senate Journal‑page 81](file:///h%3A%5Csj%5C20230614.docx))

 6/14/2023 House Conference report received and adopted ([House Journal‑page 65](file:///h%3A%5Chj%5C20230614.docx))

 6/14/2023 House Roll call Yeas-106 Nays-0 ([House Journal‑page 65](file:///h%3A%5Chj%5C20230614.docx))

 6/14/2023 House Ordered enrolled for ratification ([House Journal‑page 69](file:///h%3A%5Chj%5C20230614.docx))

 6/14/2023 Ratified R 92

 6/19/2023 Signed By Governor

 6/26/2023 Effective date 06/19/23

 6/26/2023 Act No. 76

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[06/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/330_20230614.docx)

(A76, R92, S330)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEMs, SO AS TO define the term “electric utility system”, to provide certain wilful and malicious acts constitute violations of this section, to provide a tiered system of penalties for certain violations, to provide it is unlawful to use firearms or destructive devices to destroy or damage utility systems and provide penalties, and to provide remedies to persons injured by violations of this section.

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

Wilful and malicious injury to utilities

SECTION 1. Section 16-11-740 of the S.C. Code is amended to read:

 Section 16-11-740. (A) For purposes of this section only, “electric utility system” means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

 (B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

 (a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

 (b) obstruct, impede, or impair their services or transmissions; or

 (c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this subsection.

 (2) A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction:

 (a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years, or both;

 (b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

 (c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

 (3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

 (4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

 (C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

 (a) destroy, damage, or in any way injure:

 (i) an electric utility system; or

 (ii) a gasoline, natural gas, or propane utility system, including poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

 (iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

 (b) obstruct, impede, or impair their services or transmissions; or

 (c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

 (2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

 (D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover damages fixed by the verdict, together with costs, including attorneys’ fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, “damages” includes actual and consequential damages.

Savings clause

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.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 14th day of June, 2023.

Approved the 19th day of June, 2023.

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