**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3748**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Caskey, Wooten, Wetmore, Hartnett, Erickson, W. Newton, Pope, Robbins, Mitchell and Yow

Companion/Similar bill(s): 532

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Introduced in the House on January 19, 2023

Introduced in the Senate on March 27, 2024

Last Amended on March 26, 2024

Currently residing in the House

Summary: Geodetic control monuments

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/19/2023 House Introduced and read first time (House Journal‑page 4)

 1/19/2023 House Referred to Committee on **Judiciary** (House Journal‑page 4)

 3/13/2023 House Member(s) request name added as sponsor: W. Newton

 4/26/2023 House Member(s) request name added as sponsor: Pope

 3/7/2024 House Member(s) request name added as sponsor: Robbins

 3/20/2024 House Member(s) request name added as sponsor: Mitchell, Yow

 3/20/2024 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 11)

 3/26/2024 House Amended (House Journal‑page 29)

 3/26/2024 House Read second time (House Journal‑page 29)

 3/26/2024 House Roll call Yeas-111 Nays-0 (House Journal‑page 30)

 3/27/2024 House Read third time and sent to Senate (House Journal‑page 15)

 3/27/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 3/27/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

 4/5/2024 Senate Referred to Subcommittee: M.Johnson (ch), Sabb,
 Talley, Adams, Devine

 5/1/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 8)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3748&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20230119.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240320.docx)

[03/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240326.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240501.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

May 01, 2024

H. 3748

Introduced by Reps. Caskey, Wooten, Wetmore, Hartnett, Erickson, W. Newton, Pope, Robbins, Mitchell and Yow

S. Printed 05/01/24--S.

Read the first time March 27, 2024

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The committee on Senate Judiciary

To whom was referred a Bill (H. 3748) to amend the South Carolina Code of Laws by amending Section 16-11-680, relating to the unlawful alteration or removal of boundary landmarks, so as to clarify that, etc., respectfully

Report:

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

 Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(A)(1) and inserting:

 (1) “Geodetic control monuments" means those land surveying monuments which are established by federal, state, and local governments, and private entities, the position of which monuments on the earth's surface has been fixed by high-order surveying and computation for use by the land surveyors. Such monuments may be in the form of, but are not limited to, metal, disks set in concrete, rock, or some other fixed permanent object, the horizontal and vertical positions of which have been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use.

Amend the bill further, SECTION 1, by striking Section 16-11-680(A)(2)(e) and inserting:

 (e) and such other monuments as may be described in plats, instruments of record, and federal, state, and local law.

Amend the bill further, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

 (B)(1) If anyIt is unlawful for a person shall to knowingly, wilfully, maliciously or fraudulentlywith wilful, malicious, or fraudulent intent, move cut, fell, alter, destroy, or remove any certain boundary tree or other allowed landmarkgeodetic control monuments or property corner monuments,. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceedingless than one hundred dollars nor more than five hundred dollars, or imprisoned not exceedingmore than thirty days.

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-680, RELATING TO THE UNLAWFUL ALTERATION OR REMOVAL OF BOUNDARY LANDMARKS, SO AS TO CLARIFY THAT THE SECTION PROHIBITS MOVING, ALTERING, DESTROYING, OR REMOVING geodetic control monuments or CERTAIN LAND SURVEYING MONUMENTS, TO UPDATE THE PENALTIES FOR VIOLATIONS OF THIS SECTION, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 16-11-680 of the S.C. Code is amended to read:

 Section 16-11-680. (A) As used in this section:

 (1) “Geodetic control monuments" means those land surveying monuments which are established by federal, state, local, and private agencies, the position of which monuments on the earth's surface has been fixed by high-order surveying and computation for use by the land surveyors. Such monuments may be in the form of, but are not limited to, metal, disks set in concrete, rock, or some other fixed permanent object, the horizontal and vertical positions of which have been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use.

 (2) “Property corner monuments” means those land surveying monuments which are established by a licensed professional land surveyor to identify property corners or property lines, the location and description of which are made a part of any recorded or unrecorded plat or any instrument pertaining to real property filed in the register of deeds office or other public office of any county of this State. These surveying monuments may be any permanent or semipermanent object or any live or dead tree material including, but not limited to:

 (a) iron or steel pipes, rebars, spikes, nails, scribed marks in concrete, or metal rods;

 (b) concrete markers, including highway right of way markers;

 (c) stone or rock, whether natural or erected;

 (d) trees, stumps, stakes, and marks, including those marks made on trees, concrete, or metal;

 (e) and such other monuments as may be described in plats and instruments of record.

 (B)(1) If anyIt is unlawful for a person shall to knowingly, wilfully, maliciously or fraudulently move cut, fell, alter, destroy, or remove any certain boundary tree or other allowed landmarkgeodetic control monuments or land surveying monuments including, but not limited to, property corner monuments,. Proof of notification to the property owner that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceedingless than one hundred dollars nor more than five hundred dollars, or imprisoned not exceedingmore than thirty days.

 (2) The provisions of this subsection do not apply to the authorized removal, alteration, destruction, or movement of geodetic control devices or property corner monuments.

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

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