**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3829**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Tedder

Companion/Similar bill(s): 892

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Introduced in the House on January 26, 2023

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

Summary: search and seizure, marijuana odor

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/26/2023 House Introduced and read first time (House Journal‑page 9)

 1/26/2023 House Referred to Committee on **Judiciary** (House Journal‑page 9)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3829&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/26/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3829_20230126.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17‑13‑180 SO AS TO PROVIDE THAT THE SCENT OF MARIJUANA ALONE DOES NOT PROVIDE LAW ENFORCEMENT WITH REASONABLE SUSPICION OR PROBABLE CAUSE TO SUPPORT A STOP, SEARCH, SEIZURE, OR ARREST.

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

SECTION 1. Chapter 13, Title 17 of the S.C. Code is amended by adding:

 Section 17‑13‑180. (A) A law enforcement officer may not:

 (1) stop a person or motor vehicle based solely on the scent of marijuana, cannabis, or hemp, whether burnt or not; or

 (2) search, or request to search, a motor vehicle, driver, or passenger in a motor vehicle, based solely on the scent of marijuana, cannabis, or hemp, whether burnt or not.

 (B) The scent of marijuana, cannabis, or hemp on its own, whether burnt or not, does not provide a law enforcement officer with reasonable suspicion or probable cause for a stop, search, seizure, or arrest.

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil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