**Thursday, February 23, 2023**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 40:1

Isaiah the prophet proclaimed: “Comfort, comfort my people, says your God.”

Bow in prayer with me, if you will: Holy God, we give You our sincerest thanks today for every individual who strives to serve You faithfully here in the Senate of South Carolina: the dedicated and caring Senators themselves determined to honor You by doing their very best, the staff members who labor diligently and often quietly behind the scenes to carry out the will of this Body, and every other servant doing his or her dead level best to provide for the needs of all South Carolinians. Indeed, everyone who labors during these challenging days to bring hope and comfort to our people needs to be counted among our modern-day heroes, and so we accord each of these our high praise and thanksgiving. We humbly pray all this in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams Alexander Allen

Bennett Campsen Cash

Climer Corbin Cromer

Davis Fanning Garrett

Goldfinch Grooms Gustafson

Hembree Hutto Jackson

*Johnson, Kevin Johnson, Michael* Kimbrell

Loftis Malloy Massey

Matthews McElveen Peeler

Rankin Reichenbach Rice

Sabb Senn Setzler

Shealy Stephens Talley

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senator McLEOD introduced Dr. Mark Humphery of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator GOLDFINCH, at 11:24 A.M., Senators GAMBRELL and MARTIN were granted a leave of absence for today.

**Leave of Absence**

On motion of Senator WILLIAMS, at 11:35 A.M., Senator SCOTT was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator MATTHEWS, at 11:35 A.M., Senator KIMPSON was granted a leave of absence until 11:40 A.M.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 92 Sen. Garrett

S. 405 Sen. Garrett

S. 496 Sen. Garrett

S. 563 Sens. Grooms and Reichenbach

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 208 Sen. Kimbrell

**RECALLED AND COMMITTED**

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

On motion of Senator RANKIN, with unanimous consent, the Bill was recalled from the Committee on Banking and Insurance and committed to the Committee on Judiciary.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 565 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE REVEREND DR. AMOS O. HARLING, JR. UPON THE OCCASION OF HIS THIRTY-THIRD ANNIVERSARY AS MINISTER OF SAINT MARK MISSIONARY BAPTIST CHURCH AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE TO HIS CONGREGATION AND THE LEESVILLE COMMUNITY.

sr-0283km-vc23.docx : df2709a2-391e-455e-a3c3-32c4a336d62b

The Senate Resolution was adopted.

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

lc-0241sa23.docx : c9d2f565-2e20-4395-83ce-16dd45f82792

Read the first time and referred to the Committee on Judiciary.

S. 567 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE FEBRUARY 28, 2023, "RARE DISEASE AWARENESS DAY" IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS TO LEARN ABOUT, CONNECT WITH, AND CHAMPION PEOPLE LIVING WITH RARE DISEASES.

lc-0085ha-gm23.docx : 79fe81ed-2ebd-494a-b069-83fa065ef84c

The Senate Resolution was adopted.

S. 568 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE MARCH 1, 2023, AS "DISABILITY ADVOCACY DAY" IN SOUTH CAROLINA.

sr-0282km-vc23.docx : 2b521ce2-a6ca-4d51-ac36-161b64894083

The Senate Resolution was adopted.

S. 569 -- Senators Shealy and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-320, RELATING TO THE DUTIES OF THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO ADD TO THE CENTER'S DUTIES CONCERNING THE STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS; BY AMENDING SECTION 44-36-330, RELATING TO THE ADVISORY COUNCIL TO THE ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER SO AS TO PROVIDE THAT THE ADVISORY COUNCIL MUST DEVELOP A STATEWIDE PLAN TO ADDRESS ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED EVERY FIVE YEARS; AND TO PROVIDE THAT THE STATEWIDE PLAN MUST BE UPDATED IN 2028 AND EVERY FIVE YEARS THEREAFTER.

sr-0298km23.docx : ff048481-76fb-4226-968f-893f2d7749d1

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

lc-0117cm23.docx : 9cbbfca9-0e13-44e3-ae77-ff5e4c71bcdb

Read the first time and referred to the Committee on Judiciary.

H. 4012 -- Reps. Kirby, Atkinson, Alexander, Anderson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR THE WILLIAMSBURG ACADEMY FOOTBALL TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2022 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONSHIP TITLE AND TO SALUTE THEM ON A FABULOUS SEASON.

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The Concurrent Resolution was adopted, ordered returned to the House.

**HOUSE CONCURRENCE**

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**OBJECTION**

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING various SECTIONs within chapter 1, title 56, to restructure the ignition interlock devices program. (abbreviated title)

Senator MALLOY objected to consideration of the Bill.

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

**READ THE SECOND TIME**

S. 304 -- Senators Turner, Climer, Verdin, Kimbrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 1**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Cromer Davis

Fanning Garrett Goldfinch

Gustafson Hembree Hutto

Jackson *Johnson, Kevin Johnson, Michael*

Kimbrell Loftis Malloy

Massey Matthews McElveen

Peeler Rankin Reichenbach

Rice Sabb Senn

Setzler Shealy Stephens

Talley Turner Verdin

Williams Young

**Total--38**

**NAYS**

Corbin

**Total--1**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Corbin Cromer

Davis Fanning Garrett

Goldfinch Grooms Gustafson

Hembree Hutto Jackson

*Johnson, Kevin Johnson, Michael* Kimbrell

Loftis Malloy Massey

Matthews McElveen McLeod

Peeler Rankin Reichenbach

Rice Sabb Senn

Setzler Shealy Stephens

Talley Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**OBJECTION**

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-418.DB0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-155-180(C)(3), (4), and (5) and inserting:

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014‑2015, reading/literacy coaches are required to earn the add‑on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add‑on. During the six‑year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add‑on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in‑school services from department‑approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) Beginning in Fiscal Year 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on reading teacher certification can take a content area reading course to obtain their literacy teacher add‑on endorsement. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add‑on certificate. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of early childhood and elementary education, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions as provided in this section. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program. Local school districts, working with the department, shall offer the required professional development, coursework, certification, and endorsements at no charge to educators. Inservice hours earned through professional development must be used for renewal of teaching certificates in all subject areas. The total number of hours required shall not exceed 60 of the 120 hours required during a teacher’s five-year recertification cycle.

(5) Beginning in Fiscal Year 2015‑2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add‑on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add‑on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts the to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add‑on certificate. Beginning September 1, 2024, early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research‑based reading instruction and intervention and data‑based decision‑making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

Amend the bill further, SECTION 1, by striking Section 59-155-180(C)(7) and (8) and inserting:

(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add‑on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add‑on endorsement. Teachers, administrators, and other certified faculty and staff are exempt from having to earn the literacy endorsement to maintain certification only if they are not educating or serving students in a school or other educational setting. The literacy endorsement must be earned before an individual who was previously exempt pursuant to this item returns to a position where they educate or otherwise serve students.

(8) Annually by August first, the department shall publish the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher endorsement. Annually by January first, the department shall publish the approved courses and approved professional development leading to the literacy teacher endorsement.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator MARTIN objected to further consideration of the Bill.

**OBJECTION**

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

**CARRIED OVER**

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

On motion of Senator SETZLER, the Bill was carried over.

**READ THE SECOND TIME**

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

The Senate proceeded to the consideration of the Bill.

Senator SENN proposed the following amendment (SR-407.JG0004S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber’s compliance with the provisions of this section.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. A prescriber who offers or provides naloxone hydrochloride over the counter, without a prescription prior to FDA approval is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber’s compliance with the provisions of this section.

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

Senator MALLOY moved to carry over the amendment.

On motion of Senator SENN, with unanimous consent, the amendment was withdrawn.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Corbin Cromer

Davis Fanning Garrett

Goldfinch Grooms Gustafson

Hembree Hutto Jackson

*Johnson, Kevin Johnson, Michael* Kimbrell

Kimpson Loftis Malloy

Massey Matthews McElveen

McLeod Peeler Rankin

Reichenbach Rice Sabb

Senn Setzler Shealy

Stephens Talley Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**OBJECTION**

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

Senator GARRETT objected to consideration of the Bill.

**POINT OF ORDER**

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN $500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 92 -- Senators Campsen, Senn and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 123 -- Senators Hembree, Turner and Malloy: A JOINT RESOLUTION CREATING THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZES THE ACT AND REPEALS FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 125 -- Senators Hembree, Turner, Young and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 138 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 259 -- Senators Rankin, Young, Hutto and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 285 -- Senators Davis, Rice, Grooms and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BY INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian, Cash, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 405 -- Senators Campsen, Kimbrell and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 500 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 11:47 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator MALLOY spoke on the Bill.

**Remarks by Senator MALLOY**

Senator ALEXANDER and members of the Senate, I come before you to briefly speak about what had happened on this specific amendment to S. 120. I have noted that there are some fallacies surrounding it that I want to address. I want to make certain that everyone is clear that nothing in this Bill carves out a person’s will or desire for a person to die at the hands of the State. Please know that any categorization of this amendment as one of those issues is patently false. Many of us have represented clients or know those that have represented clients that began as a death penalty case and is not a trial by a judge, but instead, a trial by a jury of their peers. There are often disparities in these cases, so please do not take this vote or support anything as it relates to this issue as to a person’s own stance. Those opinions belong to the individual and do not belong in this discussion.

Simply put, the State cannot get the drug used for lethal injection. Do you believe it is more humane to use lethal injection to execute the death penalty? However, one could conceivably argue that no form of execution is humane, depending on where one may stand on this issue. Let’s look at what’s been happening on the subject of the death penalty in other states, as well as what is happening here in South Carolina. There has been much discussion nationwide about whether innocent people have been executed and we can all agree that yes, innocent people have been executed. Are there innocent people now on death row? Yes, there are. Are there a disproportionate number of those on death row that are poor? Yes, there are. Is there a disproportionate percentage of African Americans on death row? Yes, there are. In South Carolina, we have thirty-four people on death row, and you may be surprised to learn that seventeen are black and seventeen are white. Conversely, there is one person on death row in California. When you begin looking at the numbers as it relates to population, there is still a disparity.

My other point is this -- you’ve heard me talk a great deal about our prison population and what we do with our inmates. If you look at what has happened with our prison population in recent years, you will see a significant decline in numbers. In 2014, it went down by 365 inmates. In 2015, it went down by another 542. In 2017, it went down an additional 159, and the next year another 890. In 2018, it went down 829 and in 2020, it went down by 581. Then there was a big jump, down 2,434 inmates, and now South Carolina is down to between 15,000 and 16,000 inmates. We have effectively changed the trajectory of incarceration, and we could begin to consider closing prisons. While the death penalty is certainly the ultimate punishment, views on it have evolved over time. There are many reasons for this, but as we continue to consider this issue, let’s be sure that we understand that different countries have different punishments. There are some that rarely utilize the death penalty at all and let me be clear, this is not a bright line test on the death penalty.

In this State, there should be an aggravating circumstance for the death penalty as a result of a hate crime, but we don’t have it. We don’t even have a definition of a hate crime in this State. For example, we had to prosecute Dylan Roof in federal court, where he was convicted and sentenced to death. He pled to a life sentence here in state court -- a life sentence as the consequence for his heinous acts.

If you look at where these inmates on death row are from, and there are only 34, you will see that there is also a disparity in counties that implement the death penalty. If we are truly going to have an issue on this, it must be fair. Senator McLEOD attempted to put up an amendment yesterday regarding whether or not the State should video executions. And while the public may perceive this as a good idea, and maybe it is, it is a difficult issue. There were concerns around whether such videos would be leaked to the public. Let us understand that in particularly heinous cases -- attorneys keep crime scene photos out of the mainstream media -- could you imagine what would happen if those pictures made it into the public? So while Senator McLEOD’s idea is good and sincere, as a practical matter, we must consider whether or not we want unfettered access to such videos in the mainstream media. What we currently have in place is the written transcript of events to reproduce actual events to give the media the ability to fairly report upon the proceedings afterwards, once they have left the facility.

For those that have had the opportunity to witness such a proceeding, many wish they had not. Some have represented individuals that become very genteel toward the very end. I have personally seen very heinous cases where their sentences have been commuted to life. The law of the land in South Carolina is the death penalty, but it will change as it evolves around the country. There will one day be a time where South Carolina will no longer have the death penalty. There will be a time when the United States of America will no longer incarcerate people at the rate they currently do. Twenty-five percent of the world’s prison population is in the United States of America. We have more prison beds than dorm room beds in this country. In forty-two states, we have more prisoners than we have students in universities and colleges. We are a lock ‘em up society, not a rehabilitative society.

And so I come to my last point, then I will take some questions. This is not political football, so if you ask someone how they feel about this issue -- I will say that I am conflicted a little bit myself, depending on whether I just left Sunday School, or whether someone has caused suffering to my family. I have looked into Dylan Roof’s face, and I don’t know how he deserves existence in this world. Will he ever be executed? No.

So, in conclusion, this is not a political football, so please don’t take it that way. We had some discussion yesterday about how execution is set up in this State. The people that are in attendance are not clothed in uniforms that cover their faces or anything of the like. That doesn’t happen. As the process has evolved in this State over time -- have had past debates over using a firing squad and bringing the electric chair back. From what we read, there are a lot of botched executions, particularly in the electric chair. If you read up on this, even within the execution drug cases, the firing squad is the least botched. But no one can truly fathom a firing squad becoming a reality in this State.

So I will conclude by saying that I have been asked why I would vote for this Legislation. I have a hard time explaining that, so my first response was that it is the law of the land, and while it’s more accepted if you will, I don’t believe that it is entirely accepted. If you are going to keep the death penalty, do you take the option of having the electric chair or firing squad or the lethal injection? The Senate has chosen that it would implement this shield law to accept the lethal injection drugs and make it the law of the land in South Carolina. As we move forward, I want to make certain that we don’t use this issue as a dividing point for the ultimate issue -- the death penalty -- that you could be challenged on yourself and your belief system, not just your policy. This is about human decency and the people affected by our decisions.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator MALLOY were ordered printed in the Journal.

Senator K. JOHNSON spoke on the Bill.

**Remarks by Senator K. JOHNSON**

Thank you, Mr. PRESIDENT. Members, yesterday when we voted a second reading on this Bill I think the vote was 39 to 5, and I was one of those five that voted against the Bill. I think I convinced myself that I lean against the death penalty. Now, keep in mind that I'm hard on criminals and I don't like crime, and I tend to like for people to be punished especially for the more heinous crime; however, as we've just heard in the last exchange, there are studies that show that about 4.1% of people who are on death row or who have been executed were innocent. I don't think that there is any justification for executing an innocent person. I also think that giving a person life plus one hundred years or life without the possibility of parole in a lot of cases is a harsher penalty than the death penalty. I think sometimes the death penalty is too easy for some people.

We sat here a month or so ago and the majority of the Body was stating adamantly how pro-life they are. I speak for myself, and I said then during that debate that I had a hard time understanding their reasons as to how they feel as they do. I have a hard time reconciling a person being so strongly pro-life, and then here we are now on a different Bill and they're in favor for the death penalty. I wouldn't have as hard of a time with that if it weren't for the fact, as I said before, we're executing all these people and we have some people on death row who are 100% innocent. There is one in every twenty-five being executed for a crime they didn't commit, but if that were just one that would be one too many.

The other problem I had with this Bill is that we want to shield the identity of those who are involved in this, such as pharmacists, doctors, and others who are involved; however, in the case of abortion, if the woman wants to exercise her right to have the baby aborted, we are not trying to shield her identity. I think the Bill we passed a few weeks ago says, if a woman decides that she wants to have an abortion because the baby was conceived through rape, she can do so but a lot of information must be reported to the police department, and it is filed on record. If the baby was aborted due to a fetal anomaly or due to risking the life of the mother, there is also some reporting that must be done. The woman doesn't have this shield like the people who are involved in the death penalty. That is why I voted against it. I don't think that we should have the right to kill people because they kill people. I think that there are severe and harsh punishments that can be meted out that come short of killing people. Again, I say that because when we do that, we are killing innocent people and we have killed innocent people. If the data is correct, what we have here in the death penalty, is one in twenty-five of those people that have been executed, or, one in twenty-five of those folks who are waiting to be executed are innocent. Thank you, Mr. PRESIDENT.

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator K. JOHNSON were ordered printed in the Journal.

Senator DAVIS spoke on the Bill.

**Remarks by Senator DAVIS**

Did you know it is very rare we have an issue like this before us and there are important things to explore as we debate it? I am not going to be long, maybe five or ten minutes, but I think there are some important points to be made here. Are you aware that I support the death penalty?

Are you aware that the reasons individuals give in support of the death penalty are either, it is necessary as a deterrent, it is necessary to provide justice for the family members of those who were killed, or it is necessary in a broader justice sense for an individual who has taken a life to surrender a life?

There are various public policy reasons given by those who support the death penalty. Did you know that Science Magazine and many journals have done an exhaustive study of three decades worth of executions and capital punishment? They determined that in approximately 4% of the cases you are executing a person who is innocent. Now, that varies depending upon the statistician, but no one is going to dispute there are going to be instances when somebody who is innocent is executed. Did you know those who support the death penalty take the position, when you balance those public policy reasons, that I stated -- whether it is deterrence, justice, or whatever it is -- that those public policy reasons justify the taking of an innocent life? And did you know when I am thinking that through, I am remembering the abortion debate and those who say that life under every single circumstance must be protected? That there is no countervailing right that you can balance against it. Women's liberty is not a right you can counterbalance against it. Would you agree with me that there is a bit of a disconnect in the reasoning process between those who argue that there should be a ban on abortions from the time of conception, that life is absolute, that all innocent life needs to be protected, and that there is no sufficient countervailing balance or social good to balance against that in that context? But in the death penalty context, they are perfectly willing to allow an innocent person to be executed because of those countervailing public policy benefits.

I just wanted to point out that I think there is hypocrisy between those two positions. Did you know, that as a matter of fact, an innocent person is going to be executed at some point in time? We know that. Yet we do it anyway because of the corresponding public benefits. I am just not sure why those who support the death penalty and make that argument do not apply that same reasoning to abortion. Thank you.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator DAVIS were ordered printed in the Journal.

The Bill was read the third time ordered sent to the House.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**ADJOURNMENT**

At 12:37 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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