

AGENDA
SENATE JUDICIARY COMMITTEE

Tuesday, March 26, 2024
3:00 p.m.
Room 308, Gressette Building

SUBCOMMITTEE REPORTS

- A) **S. 87 -- Senator Malloy:** A BILL TO AMEND SECTION 15-78-120 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO LIMITATIONS ON LIABILITY, SO AS TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE FROM THREE HUNDRED THOUSAND DOLLARS TO FIVE HUNDRED THOUSAND DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE FROM SIX HUNDRED THOUSAND DOLLARS TO ONE MILLION DOLLARS, AND TO PROVIDE THAT A PARTY WHO FILES AN OFFER OF JUDGMENT THAT IS NOT ACCEPTED, SHALL BE ALLOWED TO RECOVER FROM THE OFFEREE, AS PROVIDED FOR IN SECTION 15-35-400(B), REGARDLESS OF WHETHER THE TOTAL OF ADMINISTRATIVE, FILING, OR OTHER COURT COSTS, AND EIGHT PERCENT INTEREST ON THE AMOUNT OF THE VERDICT OR AWARD FROM THE DATE OF THE OFFER, COMBINED WITH THE VERDICT OR AWARD, EXCEEDS THE LIABILITY LIMITS SPECIFIED IN THIS SECTION.
- B) **S. 154 -- Senators Young, Senn and Cromer:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA STREET GANG AND CRIMINAL ENTERPRISE PREVENTION AND ANTI-RACKETEERING ACT”; BY AMENDING ARTICLE 3 OF CHAPTER 8, TITLE 16, RELATING TO THE CRIMINAL GANG PREVENTION ACT, SO AS TO RETITLE THE ARTICLE, REVISE THE DEFINITIONS FOR PURPOSES OF THE ARTICLE, AND RESTRUCTURE THE ARTICLE AND THE OFFENSES AND PENALTIES CONTAINED WITHIN IT; AND BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 SO AS TO CREATE ANTI-RACKETEERING PROVISIONS TO COMPLIMENT THE REVISED STREET GANG AND CRIMINAL ENTERPRISE PREVENTION ARTICLE, DEFINE NECESSARY TERMS, AND CREATE VARIOUS RACKETEERING OFFENSES AND ESTABLISH PENALTIES FOR VIOLATIONS.
- C) **S. 266 -- Senators Hutto, Jackson, Shealy and Devine:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-820, RELATING TO OUT-OF-HOME PLACEMENT, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; BY AMENDING SECTION 63-19-1020, RELATING TO INSTITUTING PROCEEDINGS, SO AS TO REQUIRE THAT THE

CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; BY AMENDING SECTION 63-19-1440, RELATING TO COMMITMENT, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; BY AMENDING SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

- D) **S. 533 -- Senators Alexander, Peeler, Cromer, Davis, Bennett, Grooms, Hembree, Verdin, Massey, Climer, Martin, Shealy, Turner, Kimbrell, Gambrell, Rice, Loftis, Reichenbach, Cash, Gustafson, Campsen, Corbin, Williams and Stephens:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 15-38-15, 15-38-20(A), 15-38-40(B), AND 15-38-50, ALL RELATING TO THE SOUTH CAROLINA CONTRIBUTION AMONG TORTFEASORS ACT, TO INCLUDE PERSONS OR ENTITIES FOR THE PURPOSES OF ALLOCATION OF FAULT AND TO MAKE CONFORMING CHANGES.
- E) **S. 543 -- Senator Alexander:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-11-140, RELATING TO AUTHORIZATION OF FISCAL ACCOUNTABILITY AUTHORITY THROUGH THE OFFICE OF INSURANCE RESERVE FUND, SO AS TO PROVIDE FOR EXTENSION OF COVERAGE TO EMPLOYEES OF ENTITIES INSURED BY THE INSURANCE RESERVE FUND PROVIDED THAT EMPLOYEES ACTED IN GOOD FAITH AND WITHIN THE SCOPE OF EMPLOYMENT.
- F) **S. 841 -- Senators Alexander and Senn:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROSECUTORS PERSONAL PRIVACY PROTECTION ACT" BY ADDING ARTICLE 9 TO CHAPTER 2, TITLE 30 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE CURRENT AND FORMER PROSECUTORS HAVE THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; AND TO PROVIDE THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SHALL CREATE A FORM FOR USE BY PROSECUTORS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.
- G) **S. 844 -- Senator Rankin:** A JOINT RESOLUTION TO CREATE A REVIEW AND STUDY COMMITTEE, TO PROVIDE THAT THE REVIEW AND STUDY

COMMITTEE SHALL CONDUCT A THOROUGH STUDY AND REVIEW OF SOUTH CAROLINA'S CIVIL JUSTICE AND INSURANCE LAWS REGARDING COVERAGE AVAILABILITY, PREMIUM RATES, AND DEDUCTIBLES; AND TO PROVIDE THAT THE REVIEW AND STUDY COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE GOVERNOR.

- H) **S. 849 -- Senators Verdin and Senn:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-230, RELATING TO SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO ADD XYLAZINE AS A SCHEDULE III CONTROLLED SUBSTANCE, WITH EXCEPTIONS; AND BY ADDING SECTION 44-53-372 SO AS TO PROHIBIT THE PRODUCTION, MANUFACTURE, DISTRIBUTION, OR POSSESSION OF XYLAZINE, WITH EXCEPTIONS, AND TO ESTABLISH ASSOCIATED CRIMINAL PENALTIES.

- I) **S. 890 -- Senators Tedder and Senn:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, VEHICLES, OR EQUIPMENT, AND PENALTIES, SO AS TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY DISCHARGE FIREARMS AT OR IN THE DIRECTION OF ONE OR MORE INDIVIDUALS, AND PROVIDE A PENALTY.

- J) **S. 971 -- Senator Hutto:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-100, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BARNWELL COUNTY, SO AS TO IDENTIFY THE VOTING PLACE FOR CERTAIN PRECINCTS.

- K) **S. 1048 -- Senators M. Johnson, Young, Malloy, Setzler, Rankin, Talley, Hembree, Gustafson, Davis and Adams:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-3-710 SO AS TO PROVIDE THE BASIS FOR LIABILITY FOR A PERSON OR ESTABLISHMENT WHO ILLEGALLY FURNISHES ALCOHOL TO AN INDIVIDUAL WHO INJURES A THIRD PARTY BASED UPON WHAT THE FURNISHER KNEW OR SHOULD HAVE KNOWN UNDER THE CIRCUMSTANCES; TO SPECIFY WHEN THE RIGHT OF ACTION IS NOT AVAILABLE; AND TO PROVIDE THE EVIDENTIARY STANDARD FOR THE VISIBLE INTOXICATION.

- L) **S. 1088 -- Senators Young, Hutto and Massey:** A BILL TO AMEND SECTION 2 OF ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2026.

- M) S. 1175 -- Senator Malloy:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-3-800 SO AS TO PROVIDE DEFINITIONS FOR THE SOUTH CAROLINA DRAM SHOP ACT; BY ADDING SECTION 15-3-810 SO AS TO PROVIDE THAT AN INDIVIDUAL WHO SUFFERS DEATH, BODILY INJURY, OR PROPERTY DAMAGE BY AN INTOXICATED PERSON HAS A CAUSE OF ACTION FOR DAMAGES AGAINST THE HOLDER OF A PERMIT TO SELL BEER, WINE, OR LIQUOR IF THE PERMIT HOLDER KNOWINGLY SOLD, FURNISHED, OR SERVED ALCOHOL TO THE INTOXICATED PERSON AND THE SALE, FURNISHMENT, OR SERVICE WAS THE PROXIMATE CAUSE OF THE INJURY GIVING RISE TO THE CLAIM; AND BY ADDING SECTION 15-3-820 SO AS TO PROVIDE THAT AN INDIVIDUAL WHO SUFFERS DEATH, BODILY INJURY, OR PROPERTY DAMAGE BY A PERSON UNDER THE LAWFUL DRINKING AGE HAS A CAUSE OF ACTION FOR DAMAGES AGAINST THE HOLDER OF A PERMIT TO SELL BEER, WINE, OR LIQUOR IF THE PERMIT HOLDER KNOWINGLY SOLD, FURNISHED, OR SERVED ALCOHOL TO THE PERSON UNDER THE LAWFUL DRINKING AGE AND THE SALE, FURNISHMENT, OR SERVICE WAS THE PROXIMATE CAUSE OF THE INJURY GIVING RISE TO THE CLAIM.
- N) H. 4909 -- Reps. B. Newton, Neese, Mitchell and Yow:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REMOVE ONE PRECINCT AND REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.
- O) H. 4937 -- Reps. Collins, Hiott and Carter:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-450, RELATING TO DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO AUTHORIZE THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, WITH APPROVAL FROM A MAJORITY OF THE PICKENS COUNTY LEGISLATIVE DELEGATION, TO LOCATE A POLLING PLACE WITHIN FIVE MILES OF A PRECINCT'S BOUNDARIES IF NO SUITABLE LOCATION EXISTS WITHIN THE PRECINCT.

GENERAL BILLS

- 1) S. 866 -- Senator Shealy:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO PROVIDE A REASONABLE EXPECTATION STANDARD FOR THE DETERMINATION OF WHETHER SOMEONE IS LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE; AND BY AMENDING SECTION 44-48-20, RELATING TO LEGISLATIVE FINDINGS, SO AS TO CLARIFY THE METHOD OF DETERMINATION FOR THE LIKLIHOOD THAT A PERSON WILL ENGAGE IN FUTURE ACTS OF SEXUAL VIOLENCE.

- 2) **S. 1126 -- Senators Kimbrell, Peeler, Rice, M. Johnson, Adams, Climer, Garrett, Cash, Young, Alexander, Reichenbach, Shealy, Grooms, Cromer, Turner, Loftis, Fanning, Gustafson, Goldfinch and Massey:** A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO VOTER QUALIFICATIONS, SO AS TO CLARIFY THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.

- 3) **S. 723 -- Senator Talley:** A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-20, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; AND BY AMENDING SECTION 45-2-60, RELATING TO THE EJECTMENT OF A PERSON FROM A LODGING ESTABLISHMENT, SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT.