

## Session 108 - (1989-1990)

### H\*4360 (Rat #0745, Act #0604 of 1990) General Bill, By Hayes

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 44-53-392 so as to provide that the weight of a controlled substance is the weight of that substance in pure form or any compound or mixture of it; to add Section 44-53-475 so as to make it unlawful to conduct or attempt to conduct a financial transaction or transport, transmit, or transfer or attempt to transport, transmit, or transfer a monetary instrument or funds from a place in this State to or through a place outside the United States with the intent to promote or carry on an unlawful activity relating to narcotic drugs or controlled substances, or to conceal or disguise the nature, location, source, ownership, or control of the proceeds of the unlawful activity, and to provide a penalty for violation; to add Section 44-53-577 so as to make it unlawful for a person who is seventeen years of age or older to knowingly and intentionally use or otherwise employ or conspire with a person under the age of seventeen years to violate the provisions of Section 44-53-370 or 44-53-375(B), or receive a controlled substance from a person under the age of seventeen years, and to provide a penalty for violation; to amend Section 16-3-20, relating to the punishment for murder, so as to add drug trafficking to the list of crimes which are aggravating circumstances when a murder is committed during the commission of that crime; to amend Section 44-53-110, as amended, relating to definitions used in connection with narcotics and controlled substances, so as to define "ice" and "crank"; to amend Section 44-53-370, as amended, relating to penalties for certain drug offenses, so as to make it unlawful to deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase a controlled substance in addition to the existing prohibition, and to make it unlawful to have actual or constructive possession of certain numbers of marijuana plants and to provide penalties for violations; to amend Section 44-53-375, relating to the unlawful possession of crack cocaine, the unlawful manufacture, distribution, or possession with intent to distribute crack cocaine, and penalties for violations, so as to include ice and crank and to make it a crime for any person who knowingly sells, manufactures, delivers, purchases, or brings into this State or provides financial assistance to aid or conspire to sell, manufacture, or is in actual or constructive possession of certain amounts of ice, crank, or crack cocaine is guilty of a felony to be known as "trafficking in ice, crank, or crack cocaine" and to provide a penalty for violation; to amend Section 44-53-520, relating to forfeiture of conveyances used or intended to unlawfully conceal, contain, or transport controlled substances or their compounds, so as to authorize the forfeiture of these conveyances when used or intended for use to facilitate the unlawful concealment, containment, or transportation of controlled substances in violation of Section 44-53-370(a) and (e); to amend Section 44-53-530, relating to forfeiture procedures and disposition of forfeited items and proceeds of sales of property forfeited under the provisions of Section 44-53-520, so as to provide for the division of proceeds of forfeited property if there is a dispute among the participating law enforcement agencies, delete references to the disposition of property which may be determined by a judge, provide for the disposition of property seized by a local law enforcement agency and not transferred by the court to the agency, provide for the retention of forfeited money and proceeds from the sale of forfeited property by the governing body of the local law enforcement agency or by the State Treasurer in the case of a state law enforcement agency, and provide for a different formula for the disposition of all proceeds of property and cash forfeited by consent order for the period beginning July 1, 1990, and ending June 30, 1992, and suspending the application of Section 44-53-530 during that period; to amend Section 56-1-745, relating to the requirement that a person's driver's license must be suspended upon a controlled substance conviction, so as to delete certain age restrictions with regard to the violation and provide that the violation must be one under Chapter 53 of Title 44; to repeal Sections 44-53-584 and 44-53-588 relating to the requirement that information with respect to seized property be forwarded to the Attorney General and Division of General Services and the disposition of proceeds from the sale of forfeited items; and to provide that the forfeiture of property under Section 44-53-520 must be accompanied by petition of the Attorney General or circuit solicitor, or his designee, to the court of common pleas for the jurisdiction where the items were seized.-amended title

01/11/90	House	Introduced and read first time HJ-16
01/11/90	House	Referred to Committee on Judiciary HJ-17
02/28/90	House	Committee report: Favorable Judiciary HJ-6
03/07/90	House	Read second time HJ-38
03/08/90	House	Read third time and sent to Senate HJ-11
03/13/90	Senate	Introduced and read first time SJ-26
03/13/90	Senate	Referred to Committee on Judiciary SJ-27
05/16/90	Senate	Committee report: Favorable with amendment Judiciary SJ-15
05/23/90	Senate	Amended SJ-6
05/23/90	Senate	Read second time SJ-15
05/23/90	Senate	Ordered to third reading with notice of amendments SJ-15
05/25/90	Senate	Amended SJ-5

05/25/90	Senate	Read third time and returned to House with amendments SJ-20
05/29/90	House	Non-concurrence in Senate amendment HJ-10
05/29/90	Senate	Senate insists upon amendment and conference committee appointed Sens. Holland, Stilwell, and Bryan SJ-4
05/30/90	House	Conference committee appointed Hayes, Nettles & Huff HJ-2
06/05/90	Senate	Free conference powers granted SJ-5
06/05/90	Senate	Free conference committee appointed Sens. Holland, Stilwell, Bryan SJ-6
06/05/90	House	Free conference powers granted HJ-40
06/05/90	House	Free conference committee appointed Hayes, Nettles & Huff HJ-40
06/07/90	House	Free conference report received and adopted HJ-14
06/07/90	Senate	Free conference report received and adopted SJ-27
06/07/90	House	Ordered enrolled for ratification HJ-31
06/19/90		Ratified R 745
06/25/90		Signed By Governor
06/25/90		Effective date 06/25/90
06/25/90		Act No. 604
06/25/90		See act for exception to or explanation of effective date
07/25/90		Copies available