

## Session 113 - (1999-2000)

### H 4514 General Bill, By M. McLeod, Harvin and Moody-Lawrence

**Summary:** Public officer, employee guilty of embezzlement; general lien created on, doctrine of constructive trust ex maleficio

A BILL TO AMEND TITLE 8, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, BY ADDING SECTION 8-1-115, SO AS TO CREATE A GENERAL LIEN UPON THE REAL AND PERSONAL PROPERTY, INCLUDING WAGES, ANNUITIES, PENSIONS, AND CHOSES IN ACTION, OF ANY PUBLIC OFFICER, EMPLOYEE, OR ANY OTHER PERSON WHO IS FOUND GUILTY OF AN OFFENSE INVOLVING EMBEZZLEMENT OR APPROPRIATION OF PUBLIC FUNDS OR PROPERTY TO PRIVATE USE, TO THE EXTENT OF THE TOTAL LOSS, DAMAGE OR EXPENSE TO THE STATE, OR TO A COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE, TO PROVIDE FOR FILING A NOTICE OF LIEN, TO PROVIDE THAT AN ACTION TO ENFORCE THE LIEN CREATED BY THIS SECTION MAY BE BROUGHT AT ANY TIME UP TO THREE YEARS AFTER THE DEATH OF A PERSON WHOSE REAL AND PERSONAL PROPERTY IS SUBJECT TO THE LIEN, TO PROVIDE FOR SATISFACTION AND DISCHARGE OF THE LIEN CREATED BY THIS SECTION BY THE ATTORNEY GENERAL OR HIS DESIGNEE; TO AMEND SECTION 9-1-1680, RELATING TO EXEMPTION OF ANNUITY AND RETIREMENT ALLOWANCES AND CONTRIBUTIONS FROM TAXATION AND LEGAL PROCESS, SO AS PROVIDE THAT ANNUITY AND RETIREMENT ALLOWANCES AND CONTRIBUTIONS OF PUBLIC OFFICERS AND EMPLOYEES CONVICTED OF AN OFFENSE INVOLVING EMBEZZLEMENT OR APPROPRIATION OF PUBLIC FUNDS OR PROPERTY TO PRIVATE USE ARE SUBJECT TO THE GENERAL LIEN CREATED BY SECTION 8-1-115 AND THE DOCTRINE OF CONSTRUCTIVE TRUST EX MALEFICIO; AND TO PROVIDE FOR THE RETROACTIVE AND PROSPECTIVE APPLICATION OF THE REMEDIAL ASPECTS OF THIS ACT.

**02/01/00 House Introduced and read first time HJ-5**

**02/01/00 House Referred to Committee on Judiciary HJ-6**