Session 123 - (2019-2020)

H 5485 General Bill, By Hill, Jones and Magnuson

Summary: State of emergency; Governor's powers

A BILL TO AMEND SECTION 1-3-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GOVERNOR'S AUTHORITY TO ISSUE PROCLAMATIONS OF EMERGENCY, SO AS TO TRANSFER THIS AUTHORITY TO THE GENERAL ASSEMBLY AND TO ESTABLISH CONDITIONS AND PROCEDURES FOR THE GENERAL ASSEMBLY TO DECLARE A STATE OF EMERGENCY; TO AMEND SECTION 16-7-20, RELATING TO POWERS OF LAW ENFORCEMENT OFFICERS DURING A STATE OF EMERGENCY, SO AS TO REMOVE PROVISIONS CONCERNING PROCLAMATIONS OF A STATE OF EMERGENCY BY THE GOVERNOR; TO AMEND SECTION 25-1-1860, RELATING TO THE GOVERNOR'S PROCLAMATION TO DISPERSE, SO AS TO DECLARE THAT THE PROVISIONS OF THIS SECTION MUST NOT BE USED OR IMPLEMENTED IN ANY MANNER THAT VIOLATES, ABRIDGES, OR INFRINGES UPON A PERSON'S RIGHT TO EXERCISE FREE SPEECH UNDER THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION OR SECTION 2, ARTICLE I OF THE STATE CONSTITUTION; TO AMEND SECTION 44-4-510, RELATING TO QUARANTINES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DURING PUBLIC HEALTH EMERGENCIES, SO AS TO PROVIDE SUCH A QUARANTINE MAY NOT BE IMPOSED UNLESS THE PERSON IS ADJUDICATED TO POSE AN IMMINENT DANGER TO PUBLIC HEALTH AND TO PROVIDE THE DURATION OF SUCH A QUARANTINE MAY NOT BE GREATER THAN THE DURATION OF THE PUBLIC HEALTH EMERGENCY; TO AMEND SECTION 44-4-520, RELATING TO EMERGENCY POWERS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DURING PUBLIC HEALTH EMERGENCIES, SO AS TO PROVIDE THE DURATION OF A QUARANTINE IMPOSED PURSUANT TO SUCH POWERS MAY NOT BE GREATER THAN THE DURATION OF THE PUBLIC HEALTH EMERGENCY; TO AMEND SECTION 44-4-530, RELATING TO AN ISOLATION OR QUARANTINE IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DURING A PUBLIC HEALTH EMERGENCY, SO AS TO PROVIDE THE DURATION OF SUCH AN ISOLATION OR QUARANTINE MAY NOT BE GREATER THAN THE DURATION OF THE PUBLIC HEALTH EMERGENCY; AND TO REPEAL SECTION 16-7-10 RELATING TO ACTS CONSIDERED ILLEGAL DURING A STATE OF EMERGENCY AND SECTION 25-1-445 RELATING TO ENTRY INTO AREAS UNDER CURFEW.

05/12/20 House Introduced and read first time

05/12/20 House Referred to Committee on Judiciary