

## Session 117 - (2007-2008)

**S\*0141 (Rat #0109, Act #0082 of 2007) General Bill, By Knotts, Malloy, McConnell, Ford, Rankin, Cleary, Campsen, Setzler, Sheheen, Richardson, Vaughn, McGill, Elliott, Fair, Alexander and Lourie**  
**Similar (S 0078, H 3049, H 3093, H 3247)**

**Summary:** Criminal Gang Prevention Act

AN ACT TO AMEND SECTIONS 14-7-1610 AND 14-7-1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY'S INTENT TO ENHANCE THE GRAND JURY SYSTEM AND THE JURISDICTION OF THE STATE GRAND JURY, SO AS TO ADD CRIMINAL GANG ACTIVITY OR A PATTERN OF CRIMINAL GANG ACTIVITY TO THE STATE GRAND JURY'S JURISDICTION; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 8, TITLE 16, RELATING TO OFFENSES THAT PROMOTE CIVIL DISORDER, AS ARTICLE 1, AND BY ADDING ARTICLE 3, SO AS TO ENACT THE "CRIMINAL GANG PREVENTION ACT", TO DEFINE CERTAIN TERMS, TO PROVIDE IT IS UNLAWFUL FOR A CRIMINAL GANG MEMBER TO USE OR THREATEN TO USE PHYSICAL VIOLENCE AGAINST ANOTHER PERSON WITH THE INTENT TO COERCE, INDUCE, OR SOLICIT ANOTHER PERSON TO ACTIVELY PARTICIPATE IN CRIMINAL GANG ACTIVITY OR TO PREVENT A PERSON FROM LEAVING A CRIMINAL GANG AND TO PROVIDE PENALTIES, TO PROVIDE AN ADDITIONAL PENALTY FOR COMMITTING THIS OFFENSE WITH A FIREARM OR DEADLY WEAPON, TO PROVIDE AN ADDITIONAL PENALTY IF THE PERSON THREATENED IS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THE PERSON THREATENED HAS A CIVIL CAUSE OF ACTION AGAINST A CRIMINAL GANG OR CRIMINAL GANG MEMBER, TO PROVIDE IT IS UNLAWFUL FOR A CRIMINAL GANG MEMBER BY THREAT OR FORCE TO PREVENT OR ATTEMPT TO PREVENT A WITNESS OR VICTIM FROM ATTENDING OR GIVING TESTIMONY AT A TRIAL THAT CONCERNS OR RELATES TO CRIMINAL ACTIVITY AND TO PROVIDE A PENALTY, TO PROVIDE THAT A PERSON THREATENED PURSUANT TO THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST A CRIMINAL GANG OR GANG MEMBER, TO PROVIDE A PROCEDURE FOR BRINGING THIS CIVIL CAUSE OF ACTION, TO PROVIDE FOR PROTECTION OF THE IDENTITY OF AN INFORMANT, TO PROVIDE FOR THE SEIZURE OF ANY FIREARM, AMMUNITION, OR DANGEROUS WEAPON, WRITTEN OR ELECTRONIC COMMUNICATIONS, RECORDS, MONEY, NEGOTIABLE INSTRUMENTS, OR VALUABLES IF THE LAW ENFORCEMENT OFFICER REASONABLY BELIEVES IT IS OR WILL BE USED IN A PATTERN OF CRIMINAL GANG ACTIVITY OR FOR FURTHERANCE OF THE BENEFITS OF A CRIMINAL GANG, TO PROVIDE A PROCEDURE FOR SEIZURE OF FIREARMS, AMMUNITION, OR DANGEROUS WEAPONS, WRITTEN OR ELECTRONIC COMMUNICATIONS, RECORDS, MONEY, NEGOTIABLE INSTRUMENTS, OR OTHER VALUABLES, TO PROVIDE FOR NOTIFICATION OF THE SHERIFF AND CHIEF OF POLICE WHEN A CRIMINAL GANG MEMBER IS RELEASED FROM JAIL, PRISON, OR A CORRECTIONS FACILITY, TO PROVIDE AN EXCEPTION FOR EMPLOYEES LAWFULLY ENGAGED IN COLLECTIVE BARGAINING ACTIVITIES OR THE LAWFUL ACTIVITIES OF LABOR ORGANIZATIONS, TO PROVIDE THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE MAY ADOPT AND ENFORCE ORDINANCES CONSISTENT WITH THIS ARTICLE, TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION TO INCLUDE THE VIOLENT GANG TERRORIST ORGANIZATION FILE AMONG THE NATIONAL CRIME INFORMATION CENTER DATA AVAILABLE FOR DIRECT ACCESS BY CRIMINAL JUSTICE AGENCIES, TO REQUIRE STATE, COUNTY, AND MUNICIPAL LAW ENFORCEMENT AGENCIES TO MAINTAIN A RECORD OF ALL PERSONS WHO ARE FOUND TO BE CRIMINAL GANG MEMBERS IN THE VIOLENT GANG AND TERRORIST ORGANIZATION FILE, AND TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO DEVELOP AND MAINTAIN A STATEWIDE CRIMINAL GANG DATABASE; TO ESTABLISH A GANG PREVENTION STUDY COMMITTEE; TO ESTABLISH A COMMUNITY SAFETY ANTI-GANG MATCHING GRANTS PROGRAM; TO AMEND SECTION 17-1-40, RELATING TO DESTRUCTION OF CRIMINAL RECORDS, SO AS TO PROVIDE A FEE MAY NOT BE COLLECTED WHEN PROCEEDINGS ARE DISMISSED OR THE PERSON IS FOUND INNOCENT; AND BY ADDING SECTION 16-11-770 SO AS TO CREATE THE OFFENSE OF ILLEGAL GRAFFITI VANDALISM AND TO PROVIDE PENALTIES. - ratified title

<b>12/12/06</b>	<b>Senate</b>	<b>Prefiled</b>
<b>12/12/06</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary</b>
<b>01/09/07</b>	<b>Senate</b>	<b>Introduced and read first time SJ-86</b>
<b>01/09/07</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-86</b>
<b>01/24/07</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-15</b>
<b>01/24/07</b>	<b>Senate</b>	<b>Committed to Committee on Finance SJ-17</b>
<b>01/25/07</b>		<b>Scrivener's error corrected</b>
<b>02/09/07</b>	<b>Senate</b>	<b>Referred to Subcommittee: Fair (ch), Reese, Verdin, Cromer</b>
<b>02/28/07</b>	<b>Senate</b>	<b>Committee report: Favorable Finance SJ-21</b>

03/01/07	Senate	Amended SJ-9
03/01/07	Senate	Read second time SJ-9
03/01/07	Senate	Unanimous consent for third reading on next legislative day SJ-9
03/02/07	Senate	Read third time and sent to House SJ-1
03/05/07		Scrivener's error corrected
03/06/07	House	Introduced and read first time HJ-7
03/06/07	House	Referred to Committee on Judiciary HJ-8
05/24/07	House	Committee report: Favorable with amendment Judiciary HJ-15
05/25/07		Scrivener's error corrected
05/30/07	House	Requests for debate-Rep(s). Sellers, Hart, Bales, Govan, Herbkersman, WD Smith, Talley, Leach, Davenport, Shoopman, Whipper, Scott, Hosey, Neilson, and Hinson HJ-27
05/31/07	House	Debate adjourned until Tuesday, June 5, 2007 HJ-42
06/06/07	House	Amended HJ-51
06/06/07	House	Read second time HJ-66
06/06/07	House	Roll call Yeas-103 Nays-9 HJ-66
06/07/07		Scrivener's error corrected
06/07/07	House	Read third time and returned to Senate with amendments HJ-72
06/07/07	Senate	Concurred in House amendment and enrolled SJ-99
06/07/07		Ratified R 109
06/12/07		Signed By Governor
06/19/07		Copies available
06/19/07		Effective date 06/12/07
06/27/07		Act No. 82