

Session 118 - (2009-2010)

H*4129 (Rat #0321, Act #0255 of 2010) General Bill, By Funderburk, Umphlett, Hodges, Clemmons, Whipper, R.L. Brown and Weeks

Summary: Archaeological resource

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-780 SO AS TO PROVIDE IT IS UNLAWFUL FOR A PERSON TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE LANDS OF ANOTHER OR THE POSTED LANDS OF THE STATE AND DISTURB OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHEOLOGICAL RESOURCE, AND TO PROVIDE EACH SUCH ENTRY AND ACT OF DISTURBANCE OR EXCAVATION CONSTITUTES A SEPARATE AND DISTINCT VIOLATION, TO PROVIDE CERTAIN RELATED DEFINITIONS, TO PROVIDE A COURT MAY CALL UPON THE STATE ARCHEOLOGIST TO PROVIDE CERTAIN EVIDENCE RELATED TO THE VALUE OF AN ARCHAEOLOGICAL RESOURCE, TO PROVIDE MISDEMEANOR PENALTIES AND A FELONY PENALTY FOR VIOLATIONS, TO PROVIDE CERTAIN EQUIPMENT AND CONVEYANCES USED IN CONNECTION WITH A FELONY VIOLATION OF THIS SECTION ARE SUBJECT TO FORFEITURE, AND TO PROVIDE EQUIPMENT AND CONVEYANCES SUBJECT TO THIS FORFEITURE MAY BE FORFEITED BY ANY LAW ENFORCEMENT OFFICER AS PROVIDED IN THIS SECTION, SUBJECT TO CERTAIN REQUIREMENTS, TO PROVIDE A CIVIL CAUSE OF ACTION TO AN AFFECTED LANDOWNER FOR A VIOLATION, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 16-17-600, AS AMENDED, RELATING TO THE DESTRUCTION OR DESECRATION OF HUMAN REMAINS OR REPOSITORIES OF HUMAN REMAINS, SO AS TO APPLY THE SECTION TO NATIVE AMERICAN BURIAL GROUNDS OR BURIAL MOUNDS, AND TO PROVIDE A PERSON WHO OWNS OR HAS AN INTEREST IN CARING FOR THE PROPERTY, IN THE CASE OF PRIVATE LANDS, OR THE STATE, IN THE CASE OF STATE LANDS, MAY BRING A CIVIL CAUSE OF ACTION FOR A VIOLATION OF THIS SECTION TO RECOVERY DAMAGES, THE COST OF RESTORATION AND REPAIR OF THE PROPERTY, ATTORNEY'S FEES, AND COURT COSTS. - ratified title

06/16/09 House Introduced and read first time HJ-71
06/16/09 House Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-71
01/27/10 House Member(s) request name added as sponsor: Umphlett
02/04/10 House Member(s) request name added as sponsor: Hodges
02/04/10 House Committee report: Favorable Agriculture, Natural Resources and Environmental Affairs HJ-12
02/17/10 House Member(s) request name added as sponsor: Clemmons
02/24/10 House Member(s) request name added as sponsor: Whipper, R.L.Brown, Weeks
02/25/10 House Debate interrupted HJ-25
02/25/10 House Debate adjourned HJ-49
02/25/10 House Amended HJ-71
02/25/10 House Read second time HJ-74
02/25/10 House Unanimous consent for third reading on next legislative day HJ-74
02/26/10 House Read third time and sent to Senate HJ-3
02/26/10 Scrivener's error corrected
03/02/10 Senate Introduced and read first time SJ-17
03/02/10 Senate Referred to Committee on Judiciary SJ-17
03/05/10 Senate Referred to Subcommittee: Knotts (ch), Campbell, Nicholson
05/26/10 Senate Committee report: Favorable with amendment Judiciary SJ-16
05/27/10 Senate Committee Amendment Adopted SJ-30
05/27/10 Senate Amended SJ-30
05/27/10 Senate Read second time SJ-30
05/27/10 Senate Unanimous consent for third reading on next legislative day SJ-30
05/28/10 Senate Read third time and returned to House with amendments SJ-1
06/01/10 Scrivener's error corrected
06/02/10 House Debate adjourned on amendments HJ-64
06/02/10 House Concurred in Senate amendment and enrolled HJ-79
06/07/10 Ratified R 321
06/11/10 Signed By Governor
07/01/10 Effective date 06/11/10
07/08/10 Act No. 255