

Session 114 - (2001-2002)

H*4416 (Rat #0428, Act #0339 of 2002) General Bill, By Wilkins, Harrison, W.D. Smith, J. Brown, Leach, Bingham, Keegan, Whatley, Carnell, Vaughn, Lucas, Lourie, Limehouse, J.R. Smith, Wilder, Webb, Kirsh, Allison, A. Young, Sandifer, Walker, Talley, Littlejohn, Coates, Altman, Witherspoon, Campsen, Taylor, Law, Snow, Rice, Simrill, Freeman, Neilson, Clyburn, Gilham, Robinson, Hinson, Jennings, Meacham-Richardson, Tripp, Cotty, Rodgers, Loftis, Frye, Koon, Delleney, Haskins, Hamilton, Cato, Easterday, Scarborough, Chellis, Thompson, Edge, Merrill, Fleming, Stuart, Cooper, Dantzler, D.C. Smith, Sinclair, J. Young, D. Owens, White, Martin, Trotter, Harrell, Quinn, Huggins, Battle, Miller, Harvin, Barfield, Barrett, Emory, Knotts, Riser and Bales

Summary: Homeland Security Act

A BILL TO ENACT THE "SOUTH CAROLINA HOMELAND SECURITY ACT" INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 1-3-420, RELATING TO PROCLAMATION OF EMERGENCY BY THE GOVERNOR, SO AS TO INCLUDE A PUBLIC HEALTH EMERGENCY; TO AMEND CHAPTER 11, TITLE 1, RELATING TO THE STATE BUDGET AND CONTROL BOARD, BY ADDING SECTION 1-11-435 SO AS TO PROVIDE FOR PROTECTION OF THE STATE'S CRITICAL INFORMATION AND BY ADDING SECTION 1-11-770 SO AS TO PROVIDE FOR THE SOUTH CAROLINA 211 NETWORK TO COORDINATE INFORMATION AND REFERRALS FOR HEALTH AND HUMAN SERVICES STATEWIDE; TO AMEND ARTICLE 1, CHAPTER 11, TITLE 6, RELATING TO SPECIAL PURPOSE DISTRICTS, BY ADDING SECTION 6-11-340 SO AS TO PROVIDE FOR PROTECTION AND POLICING OF FACILITIES OWNED BY SPECIAL PURPOSE DISTRICTS; TO AMEND SECTION 14-7-1630, AS AMENDED, RELATING TO JURISDICTION OF THE STATE GRAND JURY, SO AS TO PROVIDE FOR JURISDICTION OVER COMPUTER CRIMES AND TERRORISM AND TO DEFINE "TERRORISM"; TO AMEND SECTION 16-7-10, RELATING TO ILLEGAL ACTS DURING A STATE OF EMERGENCY, SO AS TO INCLUDE THE MISLEADING USE OF THE EMERGENCY TO RAISE CONTRIBUTIONS OF MONEY OR SERVICES; TO AMEND SECTION 16-16-10, AS AMENDED, RELATING TO DEFINITIONS FOR COMPUTER CRIME OFFENSES, SO AS TO FURTHER DEFINE "COMPUTER", "COMPUTER HACKING", AND "COMPUTER CONTAMINANT"; TO AMEND SECTION 16-16-20, AS AMENDED, RELATING TO PENALTIES FOR COMPUTER CRIME OFFENSES, SO AS TO REDUCE THE FIRST DEGREE PENALTY TO FIFTY THOUSAND DOLLARS OR FIVE YEARS, OR BOTH, TO REQUIRE THE VICTIM'S LOSS TO EXCEED TEN THOUSAND DOLLARS INSTEAD OF FIVE THOUSAND, AND TO PROVIDE FOR SEPARATE OFFENSES; TO AMEND SECTION 16-16-25, AS AMENDED, RELATING TO CIVIL REMEDIES FOR COMPUTER CRIME OFFENSES, SO AS TO PROVIDE FOR ATTORNEY'S FEES; TO AMEND SECTION 16-16-30, AS AMENDED, RELATING TO VENUE FOR COMPUTER CRIME OFFENSES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND ARTICLE 7, CHAPTER 23, TITLE 16, RELATING TO BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION, SO AS TO, AMONG OTHER THINGS, DEFINE "TERRORISM", TO FURTHER DEFINE "WEAPON OF MASS DESTRUCTION", TO MAKE IT A FELONY TO USE A WEAPON OF MASS DESTRUCTION IN AN ACT OF TERRORISM AND TO PROVIDE PENALTIES, INCLUDING DEATH, TO MAKE IT A FELONY TO THREATEN THE USE OF A DESTRUCTIVE DEVICE OR TO HARBOR A PERSON WHO USES OR THREATENS THE USE OF A DESTRUCTIVE DEVICE AND TO PROVIDE PENALTIES, AND TO REQUIRE REPORTING BY LOCAL LAW ENFORCEMENT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) OF WEAPONS OF MASS DESTRUCTION; TO AMEND TITLE 17, RELATING TO CRIMINAL PROCEDURES, BY ADDING CHAPTER 30 SO AS TO PROVIDE, AMONG OTHER THINGS, THE PROTOCOL FOR INTERCEPTION OF WIRE, ELECTRONIC, OR ORAL COMMUNICATIONS, TO SPECIFY UNLAWFUL ACTS OF COMMUNICATION INTERCEPTION, TO REQUIRE A COURT ORDER INITIATED BY SLED OR A CERTIFICATION TO OBTAIN INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO INTERCEPT COMMUNICATIONS AND TO SPECIFY REQUIREMENTS FOR OBTAINING THE ORDER, TO MAKE IT UNLAWFUL TO POSSESS OR TO SELL A COMMUNICATION INTERCEPTING DEVICE, TO PROVIDE THAT INTERCEPTED COMMUNICATIONS MAY NOT BE USED AS EVIDENCE UNLESS OBTAINED AS AUTHORIZED OR OTHERWISE DISCLOSED, TO PROVIDE THAT A VIOLATION OF THE PROVISIONS IS A FELONY AND TO PROVIDE PENALTIES, AND TO PROVIDE FOR CIVIL REMEDIES FOR A PERSON HARMED BY A VIOLATION OF THE PROVISIONS, TO AMEND SECTION 25-1-420, AS AMENDED, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, SO AS TO ESTABLISH THE URBAN SEARCH AND RECOVERY TEAM; TO AMEND SECTION 25-1-440, RELATING TO POWERS OF THE GOVERNOR IN AN EMERGENCY, SO AS TO PROVIDE FOR THE PUBLIC HEALTH EMERGENCY PLAN COMMITTEE TO ADVISE HIM ON THE DECLARATION OF A PUBLIC HEALTH EMERGENCY; TO AMEND SECTION 30-4-20, RELATING TO DEFINITIONS FOR PURPOSES OF THE FREEDOM OF INFORMATION ACT (FOI), SO AS TO PROVIDE THAT INFORMATION REGARDING THE SECURITY PLAN OF A PUBLIC BODY IS NOT OPEN TO THE PUBLIC; TO AMEND SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM FOI DISCLOSURE, SO AS TO INCLUDE INTERCEPTED WIRE, ELECTRONIC, OR ORAL COMMUNICATIONS NOT

DISCLOSED IN TRIAL AND STRUCTURAL BRIDGE PLANS; TO AMEND SECTION 33-56-120, AS AMENDED, RELATING TO MISREPRESENTATIONS PROHIBITED IN CHARITABLE SOLICITATIONS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO MAKE A MISREPRESENTATION IN CONNECTION WITH AN EMERGENCY SO AS TO SOLICIT CONTRIBUTIONS; TO AMEND ARTICLE 1, CHAPTER 5, TITLE 39, RELATING TO THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT, BY ADDING SECTION 39-5-145 SO AS TO PROHIBIT THE RENTAL AND SALE OF ESSENTIAL COMMODITIES AND RENTAL AND LEASE OF DWELLING UNITS, INCLUDING MOTEL OR HOTEL UNITS OR OTHER TEMPORARY LODGING, OR SELF-STORAGE FACILITIES AT AN UNCONSCIONABLE PRICE DURING AND WITHIN THE AREA OF A DECLARED STATE OF EMERGENCY OR DISASTER, TO DEFINE "COMMODITY" AND "UNCONSCIONABLE PRICE", TO ESTABLISH EVIDENTIARY STANDARDS FOR ACTIONS BROUGHT PURSUANT TO THESE PROVISIONS OR LOCAL ORDINANCES, AND TO PROVIDE FOR A CRIMINAL PENALTY OF A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS FOR A WILFUL VIOLATION OF THESE PROVISIONS; BY ADDING SECTION 39-5-147 SO AS TO PROHIBIT THE USE OF A MISLEADING PRACTICE OR DEVICE FOR THE SOLICITATION OF CONTRIBUTIONS OR THE SALE OF GOODS OR SERVICES FOR CHARITABLE PURPOSES IN CONNECTION WITH A DECLARED STATE OF EMERGENCY OR DISASTER, TO PROVIDE FOR A CRIMINAL PENALTY OF A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS FOR A WILFUL VIOLATION OF THESE PROVISIONS; BY ADDING SECTION 39-5-149 SO AS TO PROVIDE FOR REGISTRATION OF AN AGENT FOR NOTIFICATION OF DECLARATION OR TERMINATION OF STATE OF EMERGENCY; TO AMEND SECTION 44-1-80, RELATING TO THE DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) AS TO COMMUNICABLE OR EPIDEMIC DISEASES, SO AS TO PROVIDE FOR REPORTS AND NOTICE OF A PUBLIC HEALTH EMERGENCY; TO AMEND SECTION 44-1-100, RELATING TO ASSISTANCE FROM LOCAL HEALTH OFFICERS, SO AS TO PROVIDE SPECIFICALLY FOR ENFORCEMENT ASSISTANCE IN A PUBLIC HEALTH EMERGENCY; TO AMEND TITLE 44, RELATING TO HEALTH, BY ADDING CHAPTER 4 SO AS TO ENACT THE EMERGENCY HEALTH POWERS ACT TO PROVIDE FOR DETECTION, PROTECTION, AND MANAGEMENT IN A PUBLIC HEALTH EMERGENCY, TO PROVIDE DEFINITIONS, TO PROVIDE SPECIAL EMERGENCY POWERS FOR DHEC AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROTECT INDIVIDUAL PERSONAL AND PROPERTY RIGHTS; TO AMEND SECTION 44-29-10, RELATING TO REPORTS TO DHEC, SO AS TO REQUIRE REPORTS FROM HEALTH PROVIDERS, CORONERS, MEDICAL EXAMINERS, PHARMACISTS, AND ANY PERSON WITH A PERTINENT DATABASE AND TO SPECIFY THE CONDITIONS GIVING RISE TO A PUBLIC HEALTH EMERGENCY INCLUDING DISEASE, INFECTION, AND TERRORISM; TO AMEND SECTION 44-93-40, RELATING TO DHEC POWERS IN CONNECTION WITH INFECTIOUS WASTE, SO AS TO PROVIDE FOR EXTRAORDINARY POWERS OF DISPOSAL DURING A PUBLIC HEALTH EMERGENCY; TO AMEND CHAPTER 7, TITLE 46, RELATING TO CLEMSON UNIVERSITY, BY ADDING SECTION 46-7-100 SO AS TO REQUIRE REPORTING OF ANIMAL DISEASE, INFECTION, AND TERRORISM BY A PERSON HAVING THE CARE OF ANIMALS; TO AMEND CHAPTER 9, TITLE 46, RELATING TO THE STATE CROP PEST COMMISSION, BY ADDING SECTION 46-9-120 SO AS TO REQUIRE REPORTING OF CROP DISEASE, PEST, AND TERRORISM BY A PERSON RESPONSIBLE FOR CROP PRODUCTION OR PROCESSING; TO AMEND SECTION 30-4-40, RELATING TO EXEMPTIONS FROM DISCLOSURE UNDER THE FOI ACT, SO AS TO INCLUDE INFORMATION REGARDING PROTECTIONS OF SAFEGUARDS AND OFF-SITE CONSEQUENCE ANALYSIS; TO AMEND CHAPTER 4, TITLE 30, RELATING TO THE FOI ACT, SO AS TO PROVIDE FOR REGULATION BY APPROPRIATE AGENCY DIRECTORS OF ACCESS TO INFORMATION REGARDING PROTECTIONS OF SAFEGUARDS AND OFF-SITE CONSEQUENCE ANALYSIS SUBJECT TO FEDERAL LAW; TO AMEND SECTION 40-18-30, RELATING TO POWERS AND DUTIES OF SLED AS TO SECURITY BUSINESSES, SO AS TO PROVIDE THAT SLED FORWARD AN APPLICANT'S FINGERPRINT CARD TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONWIDE CRIMINAL CHECK; TO AMEND SECTION 40-18-15, RELATING TO A SECURITY BUSINESS LICENSE, SO AS TO DELETE A PRIVATE RIGHT OF ACTION AGAINST THE LICENSEE'S SURETY BOND; TO AMEND SECTION 40-18-70, RELATING TO A PRIVATE INVESTIGATION LICENSE, SO AS TO DELETE A PRIVATE CAUSE OF ACTION AGAINST THE LICENSEE'S SURETY BOND, TO PROVIDE FOR IN A LICENSEE WHO HAS MAINTAINED HIS LICENSE CONTINUALLY SINCE ITS INITIAL AWARD, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 40-18-100, RELATING TO A SECURITY WEAPONS PERMIT, SO AS TO REQUIRE THE SUBMISSION OF A FINGERPRINT CARD BY THE APPLICANT FOR A NATIONAL CRIMINAL RECORDS CHECK; TO AMEND SECTION 42-1-130, RELATING TO THE DEFINITION OF "EMPLOYEE" FOR PURPOSES OF WORKERS' COMPENSATION, SO AS TO INCLUDE A VOLUNTEER STATE CONSTABLE AS A STATE EMPLOYEE; TO AMEND SECTION 42-7-65, RELATING TO THE AVERAGE WEEKLY WAGE FOR PURPOSES OF WORKERS' COMPENSATION, SO AS TO PROVIDE FOR APPROVED VOLUNTEER STATE CONSTABLES; TO AMEND SECTION 16-8-10, AS AMENDED, RELATING TO

TEACHING THE USE OF OR THE CONSTRUCTION OF A DESTRUCTIVE DEVICE, SO AS TO CONFORM THE DEFINITION TO INCLUDE A WEAPON OF MASS DESTRUCTION; TO AMEND SECTION 56-5-5015, AS AMENDED, RELATING TO THE REGULATION OF SUNSCREEN DEVICES ON A MOTOR VEHICLE, SO AS TO CREATE AN EXCEPTION FOR A LAW ENFORCEMENT VEHICLE REGULARLY USED TO TRANSPORT A TRAINED DOG; TO AMEND CHAPTER 1, TITLE 23, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-230 SO AS TO CREATE THE FIRST RESPONDERS ADVISORY COMMITTEE TO STUDY AND REPORT ON THE NEEDS OF FIRST RESPONDERS TO EMERGENCIES; AND TO REPEAL SECTION 56-1-150 RELATING TO EXEMPTIONS FROM THE REQUIREMENT OF A PHOTOGRAPH ON A DRIVER'S LICENSE.-amended title

12/19/01 House Prefiled
12/19/01 House Referred to Committee on Judiciary
01/08/02 House Introduced and read first time HJ-31
01/08/02 House Referred to Committee on Judiciary HJ-35
01/09/02 House Member(s) request name added as sponsor: Tripp, Cotty, Rodgers, Loftis, Frye, Koon, Delleney, Haskins, Hamilton, Cato, Easterday, Barfield, Scarborough, Chellis, Thompson, Edge, Merrill, Fleming, Stuart, Cooper, Dantzler, D.C.Smith, Sinclair, J.Young, D.Owens, White, Martin, Trotter, Harrell, Quinn, Huggins, Battle, Miller, Harvin
01/15/02 House Member(s) request name added as sponsor: Barfield
01/17/02 House Member(s) request name added as sponsor: Barrett
01/31/02 House Member(s) request name added as sponsor: Emory
02/20/02 House Member(s) request name added as sponsor: Knotts
02/21/02 House Committee report: Favorable with amendment Judiciary HJ-1
02/27/02 House Member(s) request name added as sponsor: Riser, Bales
02/27/02 House Amended HJ-29
02/27/02 House Requests for debate-Rep(s). Howard, Rutherford, JE Smith, Cobb-Hunter, Weeks, R. Brown, Mack, Breeland, McGee, Walker, Delleney, Clyburn, Easterday, Harrison and Campsen HJ-81
02/27/02 House Read second time HJ-140
02/27/02 House Roll call Yeas-105 Nays-0 HJ-140
02/28/02 House Read third time and sent to Senate HJ-29
02/28/02 Senate Introduced and read first time SJ-27
02/28/02 Senate Referred to Committee on Judiciary SJ-27
05/01/02 Senate Recalled from Committee on Judiciary SJ-3
05/01/02 Senate Retaining place on calendar recommitted to Committee on Judiciary SJ-3
05/15/02 Senate Committee report: Favorable with amendment Judiciary SJ-14
05/15/02 Senate Debate adjourned- not to be taken up before 05/21/02 SJ-14
05/21/02 Senate Read second time SJ-37
05/21/02 Senate Ordered to third reading with notice of amendments SJ-37
05/21/02 Senate Debate adjourned SJ-37
05/22/02 Senate Amended SJ-44
05/22/02 Senate Read third time and returned to House with amendments SJ-183
05/29/02 House Concurred in Senate amendment and enrolled HJ-105
06/04/02 Ratified R 428
07/02/02 Signed By Governor
07/24/02 Effective date 7/2/02 See Act
07/24/02 Copies available
08/06/02 Act No. 339