**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3055**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cobb‑Hunter and Ballentine

Document Path: l:\council\bills\agm\19275mm09.docx

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: False representation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑35

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑35

2/19/2009 House Member(s) request name added as sponsor: Ballentine

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3055_20081209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑325 SO AS TO PROHIBIT A PERSON FROM KNOWINGLY AND INTENTIONALLY REPRESENTING HIMSELF OR AN ENTITY FROM BEING KNOWINGLY AND INTENTIONALLY REPRESENTED AS BELONGING TO OR BEING A STATE RECOGNIZED TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION IF THE PERSON WAS NOT A MEMBER OF A STATE RECOGNIZED TRIBE, GROUP, OR SPECIAL ORGANIZATION OR THE ENTITY HAD NOT RECEIVED STATE RECOGNITION BY THE STATE COMMISSION FOR MINORITY AFFAIRS PURSUANT TO ITS AUTHORITY IN SECTION 1‑31‑40.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16‑17‑325. (A) As used in this section, the terms ‘state recognized’ or ‘state recognition’ mean that a tribe, group, or special interest organization has complied with the regulatory requirements and been conferred status as a state recognized tribe, group, or special interest organization by the State Commission for Minority Affairs pursuant to its authority in Section 1‑31‑40(A)(10).

(B)(1) A person must not knowingly and intentionally represent himself, either orally or in writing, as being a member of a state recognized tribe, group, or special interest organization unless he is a member of a tribe, group, or special interest organization that has received state recognition by the State Commission for Minority Affairs pursuant to its authority in Section 1‑31‑40(A)(10).

(2) An entity must not be knowingly and intentionally represented, either orally or in writing, as being a state recognized tribe, group, or special interest organization unless the entity is a tribe or group that has received state recognition by the State Commission for Minority Affairs pursuant to its authority in Section 1‑31‑40(A)(10).

(3) This subsection prohibits a person or entity from knowingly and intentionally misrepresenting his or its specific status as belonging to or being a state recognized tribe, group, or special interest organization as well as prohibiting a person or entity that is not a state recognized tribe, group, or special interest organization from knowingly and intentionally representing that he belongs to or the entity is a state recognized tribe, group, or special interest organization.

(C) A filing with the Office of the Secretary of State, without state recognition being conferred by the State Commission for Minority Affairs pursuant to its authority in Section 1‑31‑40(A)(10), does not constitute the state recognition required to satisfy subsection (A) of this section.

(D) Any person or entity that violates the provisions of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined up to five hundred dollars for each violation.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑