**A** **BILL**

TO AMEND SECTION 8‑13‑1510 OF THE 1976 CODE, RELATING TO PENALTIES FOR LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8 AND TO PROVIDE FOR CRIMINAL PENALTIES; AND TO AMEND SECTION 2‑17‑50, RELATING TO PENALTIES FOR FAILING TO ABIDE BY FILING REQUIREMENTS IN CHAPTER 17, TITLE 2, TO PROVIDE FOR CRIMINAL PENALTIES.

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

SECTION 1. Section 8‑13‑1510 of the 1976 Code is amended to read:

“Section 8‑13‑1510. (A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; ~~or~~ and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not to exceed five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor and, upon conviction, must be fined up to five hundred dollars or imprisoned not more than thirty days, or both;

(2) for a second offense, guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars and imprisoned not less thirty days nor more than ninety days;

(3) for a third or subsequent offense, guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not less than ninety days and not more than one year; or both.”

SECTION 2. Section 2‑17‑50 of the 1976 Code is amended to read:

“Section 2‑17‑50. (A) The State Ethics Commission shall:

(1) require a person to submit information pursuant to the requirements of this chapter;

(2) in addition to any other penalty in this chapter, require any person who files a late statement or fails to file a required statement to be assessed a civil penalty as follows:

(a) a fine of one hundred dollars if not filed within ten days after the established deadline provided in this chapter; and

(b) after notice has been given by certified or registered mail ~~by the State Ethics Commission~~ that a required statement has not been filed, a fine of ten dollars ~~a~~ per calendar day ~~for each additional calendar day in which the required statement is not filed, not to exceed a total fine of five hundred dollars~~ for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor and, upon conviction, must be fined up to five hundred dollars or imprisoned not more than thirty days, or both;

(2) for a second offense, guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars and imprisoned not less thirty days nor more than ninety days;

(3) for a third or subsequent offense, guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not less than ninety days and not more than one year; or both.

~~(B)~~(C) Filing of the required report and payment of the fine within twenty days of notice by the State Ethics Commission that a required statement has not been filed constitutes compliance with this chapter.

~~(C)~~(D) Payment of the fine without filing the required report does not in any way excuse or exempt any person required to file from the filing requirements of this chapter.”

SECTION 3. This act takes effect upon approval by the Governor.

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