**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3203**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brady, Spires, Harrison, Toole, Butler Garrick, Erickson and Long

Document Path: l:\council\bills\nbd\11086ahb11.docx

Companion/Similar bill(s): 297

Introduced in the House on January 11, 2011

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

Summary: Disturbing schools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/14/2010 House Prefiled

12/14/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 82](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 82](file:///h:\hj%20archive\2011\01-11-11.docx))

1/26/2011 House Member(s) request name added as sponsor: Toole

2/1/2011 House Member(s) request name added as sponsor: Butler Garrick

3/2/2011 House Member(s) request name added as sponsor: Erickson, Long

**VERSIONS OF THIS BILL**

[12/14/2010](file:///p:\pprever\2011-12\3203_20101214.docx)

**A** **BILL**

TO AMEND SECTION 16‑17‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO PROVIDE A DELINEATED LIST OF THOSE ACTIONS WHICH INVOLVE DISTURBING SCHOOLS, TO REVISE THE PENALTY FOR A VIOLATION OF A DISTURBING SCHOOLS OFFENSE, AND TO PROVIDE AN EXCEPTION FOR SCHOOL‑SPONSORED ATHLETIC EVENTS.

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

SECTION 1. Section 16‑17‑420 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑17‑420. (A) It ~~shall be~~ is unlawful~~:~~

~~(1)~~ ~~for any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or~~

~~(2)~~ ~~for any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.~~ for a person who is not a student to wilfully interfere with, disrupt, or disturb the normal operations of a school or college in this State by:

(1) entering upon school or college grounds or property without the permission of the principal or president in charge;

(2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate;

(3) initiating a physical assault on, or fighting with, another person on school or college grounds or property;

(4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct;

(5) threatening physical harm to a student or school or college employee while on school or college grounds or property; or

(6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat.

For the purpose of this subsection, ‘person who is not a student’ means a person who is not enrolled in, or who is suspended or expelled from, the school or college that the person interferes with, disrupts, or disturbs at the time the interference, disruption, or disturbance occurs.

(B) Any person ~~violating any of the provisions~~ who violates a provision of this section ~~shall be~~ is guilty of a misdemeanor and, ~~on~~ upon conviction ~~thereof, shall pay a fine of~~, must be fined not more than ~~one~~ two thousand dollars or ~~be~~ imprisoned ~~in the county jail for~~ not more than ~~ninety days~~ one year.

(C) ~~The~~ Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, the summary courts are vested with exclusive jurisdiction to hear and dispose of cases involving a violation of this section. However, if the person is a child as defined by Section 63‑19‑20, jurisdiction must remain vested in the Family Court.

(D) The provisions of this section do not apply to school‑sponsored athletic events.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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