**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3248**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sottile and Viers

Document Path: l:\council\bills\bbm\9899zw11.docx

Introduced in the House on January 11, 2011

Introduced in the Senate on February 8, 2012

Last Amended on February 7, 2012

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

Summary: Ethic violations

**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 100](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 100](file:///h:\hj%20archive\2011\01-11-11.docx))

1/19/2011 House Member(s) request name added as sponsor: Viers

2/1/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 19](file:///h:\hj%20archive\2012\02-01-12.docx))

2/7/2012 House Amended ([House Journal‑page 28](file:///h:\hj%20archive\2012\02-07-12.docx))

2/7/2012 House Read second time ([House Journal‑page 28](file:///h:\hj%20archive\2012\02-07-12.docx))

2/7/2012 House Roll call Yeas‑94 Nays‑0 ([House Journal‑page 28](file:///h:\hj%20archive\2012\02-07-12.docx))

2/8/2012 House Read third time and sent to Senate ([House Journal‑page 19](file:///h:\hj%20archive\2012\02-08-12.docx))

2/8/2012 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj%20archive\2012\02-08-12.docx))

2/8/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h:\sj%20archive\2012\02-08-12.docx))

2/10/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[12/14/2010](file:///p:\pprever\2011-12\3248_20101214.docx)

[2/1/2012](file:///p:\pprever\2011-12\3248_20120201.docx)

[2/7/2012](file:///p:\pprever\2011-12\3248_20120207.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 7, 2012

**H. 3248**

Introduced by Reps. Sottile and Viers

S. Printed 2/7/12--H.

Read the first time January 11, 2011.

**A** **BILL**

TO AMEND SECTIONS 2‑17‑150 AND 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTES OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS, SO AS TO ALLOW ACTIONS TO BE COMMENCED UNTIL FOUR YEARS AFTER A PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR PUBLIC MEMBER LEAVES OFFICE.

Amend Title To Conform

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

SECTION 1. Section 2‑17‑150 of the 1976 Code is amended to read:

“Section 2‑17‑150. A prosecution for a violation of the provisions of this chapter must be commenced no later than four years after the date the violation is alleged to have occurred unless a person, who by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, a prosecution may also be commenced within three years after the person leaves public office or employment.”

SECTION 2. Section 8‑13‑320(9)(d) of the 1976 Code is amended to read:

“(d) Action may not be taken on a complaint filed more than four years after the public official, public employee, or public member leaves office or, for all other entities regulated by the State Ethics Commission, four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, an action also may be commenced within three years after the person leaves public office or employment. The Attorney General may initiate an action to recover a fee, compensation, gift or profit received by a person as a result of a violation of the chapter no later than one year after a determination by the commission that a violation of this chapter has occurred.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

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