**A** **BILL**

TO AMEND SECTION 44‑53‑375 OF THE 1976 CODE, RELATING TO THE OFFENSE OF POSSESSION, MANUFACTURE, OR TRAFFICKING OF METHAMPHETAMINE, TO PROVIDE THAT A PERSON CONVICTED UNDER THIS STATUTE SHALL BE ORDERED TO MAKE RESTITUTION FOR COSTS OF EMERGENCY OR ENVIRONMENTAL RESPONSE; AND TO AMEND SECTION 44‑53‑530, RELATING TO FORFEITURE PROCEDURES, PROCEEDS, AND DISPOSITION, TO PROVIDE THAT THE COST OF CLEAN‑UP FROM THE MANUFACTURE OF METHAMPHETAMINE MUST BE INCLUDED IN THE REASONABLE COSTS DISPOSITION OF PROCEEDS FROM FORFEITURE OR SEIZURE.

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

SECTION 1. Section 44‑53‑375 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) If a person is convicted of a violation of this section and the violation required an emergency or environmental response, the person convicted must make restitution to all public entities involved in the emergency response to cover the reasonable cost of their participation in the emergency response. The convicted person shall make the restitution in addition to any other fine or penalty required by law.”

SECTION 2. Section 44‑53‑530(c) of the 1976 Code is amended to read:

“(c) If the property is seized by a local law enforcement agency and is not transferred by the court to the agency, the judge shall order it sold at public auction by the seizing agency as provided by law. Notwithstanding any other provision of the law, proceeds from the sale may be used by the agency for payment of all proper expenses of the proceeding for the forfeiture and sale of the property, including the expenses of the seizure, maintenance, and custody and other costs incurred by the implementation of this section. The costs associated with an emergency response clean‑up for hazardous materials used in the unlawful manufacture of methamphetamine must be included in the expenses of the seizure of the property. The net proceeds from the sale must be disposed of as provided by this section.”

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

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