**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3058**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\ms\7024ahb13.docx

Introduced in the House on January 8, 2013

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

Summary: Certification of lawful machines

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 70](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 70](file:///h:\HJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3058_20121211.docx)

**A** **BILL**

TO AMEND SECTION 12‑21‑2712, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEIZURE AND DESTRUCTION OF UNLAWFUL MACHINES, BOARDS, AND OTHER DEVICES, SO AS TO PROVIDE FOR THE CERTIFICATION OF LAWFUL MACHINES, BOARDS, AND OTHER DEVICES BY A MAGISTRATE, TO PROVIDE THAT THE CERTIFICATION MUST BE IN WRITING, TO ALLOW A MAGISTRATE TO CHARGE A FEE FOR THE CERTIFICATION, AND TO PROVIDE THAT THE CERTIFICATION MUST BE MAINTAINED ON THE PREMISES OF THE BUSINESS ESTABLISHMENT AT ALL TIMES.

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

SECTION 1. Section 12‑21‑2712 of the 1976 Code is amended to read:

“Section 12‑21‑2712. (A) ~~Any~~ A machine, board, or other device prohibited by Section 12‑21‑2710 must be seized by ~~any~~ a law enforcement officer and at once taken before ~~any~~ a magistrate of the county in which the machine, board, or device is seized who shall immediately examine it, and if satisfied that it is in violation of Section 12‑21‑2710 or any other law of this State, direct that it be immediately destroyed.

(B) A business establishment must apply to a magistrate of the county for certification that a machine, board, or other device maintained and operated on the premises does not violate the provisions of Section 12‑21‑2710 or any other provision of law of this State. A magistrate, or his designee, in the county where the business establishment is located shall certify in writing that the machine, board, or other device in question may be lawfully operated or shall order the machine, board, or other device confiscated and destroyed pursuant to the provisions of subsection (A) if a violation of Section 12‑21‑2710 is found.

(C) A magistrate may charge a fee of not more than twenty dollars for certification of each machine, board, or other device pursuant to the provisions of subsection (B), and a business establishment which obtains this certification of a machine, board, or device shall keep a copy of the certification on the premises at all times.”

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

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