**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4365**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. King, Hart, Gilliard, Henegan, M.S. McLeod and Mitchell

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Companion/Similar bill(s): 897, 4366

Introduced in the House on June 23, 2015

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

Summary: Flags

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

6/23/2015 House Introduced and read first time ([House Journal‑page 16](file:///h:\HJ%20Archive\2015\06-23-15.docx))

6/23/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\HJ%20Archive\2015\06-23-15.docx))

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**VERSIONS OF THIS BILL**

[6/23/2015](file:///p:\pprever\2015-16\4365_20150623.docx)

**A** **BILL**

TO AMEND SECTION 1‑10‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FLAGS AUTHORIZED TO BE FLOWN ATOP THE STATE HOUSE DOME, IN CHAMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND ON THE GROUNDS OF THE CAPITOL COMPLEX, SO AS TO PROHIBIT THE PLACEMENT OF ANY CONFEDERATE FLAG ON THE GROUNDS OF THE CAPITOL COMPLEX, AND TO REMOVE THE CURRENT CONFEDERATE FLAG FLOWN ON THE SOUTH SIDE OF THE CONFEDERATE SOLDIER MONUMENT.

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

SECTION 1. Section 1‑10‑10 of the 1976 Code is amended to read:

“Section 1‑10‑10. (A) As of 12:00 noon on the effective date of this ~~act~~ section, and permanently ~~thereafter~~ after that time, the only flags authorized to be flown atop the dome of the State House, in the chambers of the Senate and House of Representatives, and on the grounds of the Capitol Complex ~~shall be~~ are as authorized in this section.

The flags authorized to be flown atop the dome of the State House and in the chambers of the Senate and House of Representatives are the United States Flag and the South Carolina State Flag. ~~As of 12:00 noon on the effective date of this act, the flag authorized to be flown at a designated location on the grounds of the Capitol Complex is the South Carolina Infantry Battle Flag of the Confederate States of America [the Battle Flag of the Army of Northern Virginia (General Robert E. Lee’s Army) the South Carolina, Georgia, Florida Department version]. This flag must be flown on a flagpole located at a point on the south side of the Confederate Soldier Monument, centered on the monument, ten feet from the base of the monument at a height of thirty feet. The flagpole on which the flag is flown and the area adjacent to the monument and flagpole must be illuminated at night and an appropriate decorative iron fence must be erected around the flagpole.~~

~~The South Carolina Infantry Battle Flag of the Confederate States of America is square measuring fifty‑two inches on each side, inclusive of the white border, with a St. Andrews Cross of blue, edged with white, with thirteen equal five‑pointed stars, upon a red field, with the whole banner bordered in white. The blue arms of the cross are 7.5 inches wide and the white border around the flag proper is 1.5 inches wide. The stars are five‑pointed, inscribed within a circle six inches in diameter, and are uniform in size.~~

From any funds appropriated to the Budget and Control Board, the Division of General Services of the Budget and Control Board, or its successor in interest, shall ensure that the flags authorized ~~above shall~~ pursuant to this subsection must be placed at all times as directed in this section and shall replace the flags at appropriate intervals as ~~may be~~ necessary due to wear.

(B) ~~The provisions of this section may only be amended or repealed upon passage of an act which has received a two‑thirds vote on the third reading of the bill in each branch of the General Assembly.~~ Any confederate flag, including the South Carolina Infantry Battle Flag of the Confederate States of America, must not be flown at any location on the grounds of the Capitol Complex. The South Carolina Infantry Battle Flag of the Confederate States of America must be removed from its current location at the south side of the Confederate Soldier Monument on the effective date of this section, except as provided in subsection (C).

(C) The term ‘chambers’ of the House or Senate for the purposes of this section does not include individual members’ offices. The provisions of this section do not prohibit a private individual on the capitol complex grounds from wearing as a part of his clothing or carrying or displaying any type of flag including a confederate flag.”

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

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