**A** **BILL**

TO AMEND SECTION 6‑13‑90 OF THE 1976 CODE, RELATING TO WILFUL DAMAGE TO A WATER SYSTEM, TO PROVIDE DIFFERENT PENALTIES FOR VIOLATIONS OF THE SECTION BASED UPON THE AMOUNT OF PROPERTY DAMAGE; AND TO PROVIDE THAT ALL OFFENSES OF THIS NATURE SHALL BE SUBJECT TO THIS PENALTY.

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

SECTION 1. Section 6‑13‑90 of the 1976 Code is amended to read:

“Section 6‑13‑90. (A) It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. ~~Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court,~~ ~~and shall be further liable to pay all damages suffered by the district.~~

(B) A person who violates this section, upon conviction, shall be liable to pay all damages suffered by the district, and is guilty of a:

(1) felony and must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

(2) felony and must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the injury to the property or the property loss is worth two thousand dollars or less and must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 2. Notwithstanding any other provision of law, the penalties contained in this act shall be imposed in all cases where a person wilfully injures or destroys, or in any manner hurts, damages, tampers with, or impairs a water system of any district, or any part thereof, or any machinery, apparatus or equipment of the district, or pollutes the water in any part of its system, or obtains water therefrom except in accordance with the regulations promulgated by the district. Any provision of law to the contrary regarding a penalty for a violation of this nature is superseded by the provisions of this act.

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

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