~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 14, 2016

**S. 944**

Introduced by Senators Peeler and Hembree

S. Printed 4/14/16--S. [SEC 4/15/16 2:18 PM]

Read the first time January 13, 2016.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 944) to amend Section 10‑1‑30 of the 1976 Code, relating to use of State House lobbies, steps, and other public buildings and grounds, to require that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 2, by striking Section 10‑1‑30(C)(2)(b), and inserting:

/ (b) a permit requirement for events and demonstrations planned on the State House grounds that provides that permit applications must be submitted at least ten days prior to the scheduled event and/or demonstration, provided this permit requirement is subject to a small‑group exception as established by the regulations; /

Amend further SECTION 1, page 2, by striking Section 10‑1‑30(D) and inserting:

/ (D)(1) The department, upon receipt of the permit application submitted pursuant to subsection (C), shall provide the permit application to the Director of the State Law Enforcement Division and the Director of the Department of Public Safety to review for possible public safety threats or crowd control concerns.

(2) The department shall issue only one permit each day for permissible demonstration areas unless it is determined that multiple permits may be awarded based on criteria established in regulations promulgated pursuant to subsection (A). The regulations must provide that the Director of the State Law Enforcement Division and the Director of the Department of Public Safety review the permit applications and notify the department that sufficient measures may be taken to protect the public safety and address any crowd control concerns that are anticipated by the issuance of multiple permits for any given day and the issuance of multiple permits creates no imminent threat to public safety, health, or well‑being.

(3) If sufficient measures are not taken to protect the public health, safety, and welfare, the Director of the Department of Administration shall deny the ~~requested use~~ permit. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.” /

Amend the bill further by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 10‑11‑330 of the 1976 Code, as last amended by Act 121 of 2014, is further amended to read:

“Section 10‑11‑330. (A) It ~~shall be~~ isunlawful for any person or group of persons wilfully and knowingly: ~~(a)~~(1) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; ~~(b)~~(2) to obstruct or to impede passage within the capitol grounds or building; ~~(c)~~(3) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or ~~(d)~~(4) to parade, demonstrate, or picket within the capitol building.

(B) It is unlawful for any person or group of persons: (1) to enter or to remain on the capitol grounds when such entry is accomplished in a manner that causes or incites physical violence; (2) to engage or promote conduct that would threaten the public safety, health, or well‑being of others present; or (3) to remain after being told to disperse by authorized law enforcement personnel.

(C) Authorized law enforcement personnel shall have the authority to remove or disperse any persons or organizations, including those with a valid permit or who are otherwise authorized to use the capitol grounds, if their continued presence and activity would cause an imminent threat to public security, health, or well‑being. Any person or group of persons refusing to comply with removal or dispersal instructions by authorized law enforcement personnel is guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 10‑11‑360. A person or group of persons may be charged under applicable law in addition to the penalties in Section 10‑11‑360.” /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Section 10-1-30, relating to the State House grounds to designate demonstration areas, create permit requirements for events, allow for a permit safety review by the State Law Enforcement Division (SLED) and Department of Public Safety directors, and limits demonstration permits to one per day. Also, the bill amends Section 10-11-330 to state that it shall be unlawful to be on the capital grounds and incite violence, threaten public safety, engage in disorderly and disruptive activities, and to remain on the premises after being told to disburse by authorized law enforcement personnel. Failure to disburse will result in a misdemeanor charge. Authorized law enforcement personnel shall have the authority to remove or disburse any persons at any time on the capital grounds if their presence would cause a threat to public safety.

**Department of Administration.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Public Safety.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division.** SLED indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Senate Finance Committee on April 12, 2016**

**State Expenditure**

The amendment to S. 944 amends Section 10-1-30 (relating to the State House grounds) to designate demonstration areas, create permit requirements for events, and allow for a permit safety review by the directors of the State Law Enforcement Division (SLED), Department of Public Safety, and Department of Administration. Also, the bill amends Section 10-11-330 to state that it shall be unlawful to be on the capital grounds and incite violence, threaten public safety, engage in disorderly and disruptive activities, and to remain on the premises after being told to disburse by authorized law enforcement personnel. Failure to disburse will result in a misdemeanor charge. Authorized law enforcement personnel shall have the authority to remove or disburse any persons at any time on the capital grounds if their presence would cause an imminent threat to public safety.

**Department of Administration.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Public Safety.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division.** SLED indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Bill Filed on December 9, 2015**

**State Expenditure**

This bill amends Section 10-1-30, relating to the State House grounds to designate demonstration areas, create permit requirements for events, allow for a permit safety review by the directors of the State Law Enforcement Division (SLED) and Department of Public Safety, and limits demonstration permits to one per day. Also, the bill amends Section 10-11-330 to state that it shall be unlawful to be on the capital grounds and incite violence, threaten public safety, engage in disorderly and disruptive activities, and to remain on the premises after being told to disburse by authorized law enforcement personnel. Failure to disburse will result in a misdemeanor charge. Authorized law enforcement personnel shall have the authority to remove or disburse any persons at any time on the capital grounds if their presence would cause a threat to public safety.

**Department of Administration.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Public Safety.** The department indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division.** SLED indicates this bill will have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 10‑1‑30 OF THE 1976 CODE, RELATING TO USE OF STATE HOUSE LOBBIES, STEPS, AND OTHER PUBLIC BUILDINGS AND GROUNDS, TO REQUIRE THAT THE DEPARTMENT OF ADMINISTRATION CREATE A PERMIT PROCESS FOR EVENTS AND DEMONSTRATIONS ON THE STATE HOUSE GROUNDS; TO AMEND SECTION 10‑11‑310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF CAPITOL GROUNDS, TO ADD PENDLETON STREET TO THE DEFINITION; AND TO AMEND SECTION 10‑11‑330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO THE CAPITOL BUILDING, TO MAKE IT UNLAWFUL TO INCITE PHYSICAL VIOLENCE OR ENGAGE IN ACTIVITIES THAT ENCOURAGE UNLAWFUL CONDUCT, AND TO ALLOW LAW ENFORCEMENT TO REMOVE AND DISBURSE PERSONS THAT CAUSE A THREAT TO PUBLIC SECURITY, HEALTH, OR WELL‑BEING.

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

SECTION 1. Section 10‑1‑30 of the 1976 Code is amended to read:

“Section 10‑1‑30. (A) The Director of the ~~Division of General Services may~~ Department of Administration shall authorize the use of areas of the State House except for those provided in subsection (B), the State House steps and grounds, and other public buildings and grounds except for those provided in subsection (B) in accordance with regulations promulgated by the department and the laws of this State.

(B) The Clerk of the Senate and the Clerk of the House of Representatives shall provide joint approval for access to or the use of the second and third floors of the State House; provided, that use of the respective chambers of each house shall be the prerogative of that house. The Clerk of the Senate shall provide prior authorization for any access to or use of the Senate Office Building and the Clerk of the House of Representatives shall provide prior authorization for any access to or use of the House Office Building. Management and supervision of the office buildings of each house of the General Assembly shall be exercised by each house acting through the respective clerks.

(C)(1) The regulations promulgated pursuant to subsection (A) ~~must~~ shall contain provisions to ensure that the public health, safety, and welfare are protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use.

(2) These regulations shall include at a minimum the following requirements:

(a) the designation of permissible demonstration areas and prohibited demonstration areas;

(b) a permit requirement for events and demonstrations planned on the State House grounds that provides that permit applications must be submitted at least ten days prior to the scheduled event and/or demonstration;

(D)(1) The department shall, upon receipt of the permit application, submit the permit application to the director of the State Law Enforcement Division and the director of the Department of Public Safety to review for possible public safety threats, or crowd control concerns. If there is a legitimate public safety threat, or crowd control concern as a result of this review, the permit shall be denied.

(2) The department shall issue only one permit per day for permissible demonstration areas. Multiple permits in any given day may be considered, provided the director of the State Law Enforcement Division and the director of the Department of Public Safety review the permit applications and notify the department that no public safety threat or crowd control concerns are determined. (3) If sufficient measures are not taken to protect the public health, safety, and welfare, the director shall deny the ~~requested use~~ permit. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.”

SECTION 2. Section 10‑11‑310 of the 1976 Code is amended to read:

“Section 10‑11‑310. As used in this article, ‘capitol grounds’ and ‘State House grounds’ shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, ~~Senate~~ and Assembly Streets in the city of Columbia.”

SECTION 3. Section 10‑11‑330 of the 1976 Code is amended to read:

“Section 10‑11‑330. (A) It shall be unlawful for any person or group of persons willfully and knowingly: (a) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or building; (c) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or (d) to parade, demonstrate, or picket within the capitol building.

(B) It shall be unlawful for any person or group of persons: (a) to enter or to remain on the capitol grounds when such entry is accomplished in a manner that causes or incites physical violence, (b) to engage or promote conduct that would threaten the public safety, health or well‑being of others present, (c) to engage in activities that are disorderly and disruptive to other’s use of the capitol grounds, or (d) to remain after being told to disburse by authorized law enforcement personnel.

(C) Authorized law enforcement personnel shall have the authority to remove or disburse any persons or organizations, including those with a valid permit, if their continued presence and activity would cause a threat to public security, health or well‑being. Any person or group of persons refusing to comply with removal or disbursement instructions by authorized law enforcement personnel shall be guilty of a misdemeanor and shall be punished as provided in Section 10‑11‑360. A person or group of persons may be charged under applicable law in addition to the penalties in Section 10‑11‑360.”

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

‑‑‑‑XX‑‑‑‑