**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5045**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hixon

Document Path: l:\council\bills\bh\7161ahb19.docx

Introduced in the House on January 29, 2020

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

Summary: Disturbing schools and disorderly conduct; restructure offenses

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2020 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj\20200129.docx))

1/29/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h:\hj\20200129.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5045&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/29/2020](file:///p:\pprever\2019-20\5045_20200129.docx)

**A** **BILL**

TO AMEND SECTION 16‑17‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO ADD TO THE DELINEATED LIST OF THOSE ACTIONS WHICH CONSTITUTE A VIOLATION; TO AMEND SECTION 16‑17‑530, RELATING TO PUBLIC DISORDERLY CONDUCT, SO AS TO RESTRUCTURE THE OFFENSE TO INCLUDE DISRUPTING OR DISTURBING A RELIGIOUS SERVICE OR FUNERAL IN THE PURVIEW OF THE STATUTE AND TO PROVIDE GRADUATED PENALTIES FOR A VIOLATION OF A DISORDERLY CONDUCT OFFENSE; AND TO REPEAL SECTIONS 16‑17‑520 AND 16‑17‑525 RELATING TO DISTURBANCES OF RELIGIOUS SERVICES AND FUNERALS, RESPECTIVELY.

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

SECTION 1. Section 16‑17‑420 of the 1976 Code, as last amended by Act 182 of 2018, is further amended to read:

“Section 16‑17‑420. (A) It is unlawful for a person who is not a student to wilfully interfere with, disrupt, or disturb the normal operations of a school or college in this State by:

(1) entering upon school or college grounds or property without the permission of the principal or president in charge;

(2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate;

(3) initiating a physical assault on, or fighting with, another person on school or college grounds or property;

(4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct;

(5) threatening physical harm to a student or a school or college employee while on school or college grounds or property; ~~or~~

(6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat;

(7) taking possession of, exercising control over, or seizing a building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution or his authorized representative;

(8) refusing to vacate a building, facility, or the grounds of any public or private educational institution in obedience to any of the following:

(a) an order of the chief administrative officer of the institution, or the officer’s authorized representative including, but not limited to, administrative and educational personnel, a school resource officer, or an officer of the law enforcement or campus security department for the institution;

(b) an order given by a fireman or public health officer acting within the scope of the fireman’s or officer’s authority;

(c) if an emergency is occurring or is imminent within the institution, an order given by a law enforcement officer acting within the scope of the officer’s authority;

(9) after being forbidden to do so by the chief administrative officer, or the officer’s authorized representative, of any public or private educational institution:

(a) engaging in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or

(b) congregating, assembling, forming groups or formations, whether organized or not, blocking, or in any manner otherwise interfering with the operation or functioning of a building or facility of the institution so as to interfere with the customary or normal use of the building or facility; or

(10) disrupting, disturbing, or interfering with the teaching of students at any public or private educational institution or engaging in conduct which disturbs the peace, order, or discipline:

(a) at any public or private educational institution or on the grounds adjacent to any public or private educational institution; or

(b) on any public school bus or public school activity bus.

(B) For the purpose of this section, ‘person who is not a student’ means a person who is not enrolled in, or who is suspended or expelled from, the school or college that the person interferes with, disrupts, or disturbs at the time the interference, disruption, or disturbance occurs.

(C) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, the summary courts are vested with jurisdiction to hear and dispose of cases involving a first offense violation of this section. If the person who violates the provisions of this section is a child, as defined by Section 63‑19‑20, jurisdiction must remain vested in the family court.”

SECTION 2. Section 16‑17‑530 of the 1976 Code is amended to read:

“Section 16‑17‑530. ~~Any person who shall (a) be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducting himself in a disorderly or boisterous manner, (b) use obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church or (c) while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharge any gun, pistol or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.~~

(A) As used in this section, ‘disorderly conduct’ means a public disturbance intentionally caused by a person who:

(1) is in a grossly intoxicated condition on any highway or at any public place or public gathering;

(2) engages in fighting or other violent conduct or engages in conduct threatening imminent fighting or other violence;

(3) makes any utterance, gesture, or display, or uses abusive, obscene, or profane language which is intended and plainly likely to provoke violent retaliation and cause a breach of the peace;

(4) except as provided in item (5), disrupts, disturbs, or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly; or

(5) engages in conduct with the intent to impede, disrupt, disturb, or interfere with the orderly administration of any funeral, memorial service, or family processional to the funeral or memorial service including, but not limited to, a military funeral, service, or family processional, or with the normal activities and functions occurring in the facilities or buildings where a funeral or memorial service is taking place. The following conduct that occurs within two hours preceding, during, or within two hours after a funeral or memorial service constitutes disorderly conduct pursuant to the provisions of this item:

(a) displaying, within five hundred feet of the ceremonial site, location of the funeral or memorial, or the family’s processional route to the funeral or memorial service, any visual image that conveys fighting words or actual or imminent threats of harm directed to any person or property associated with the funeral, memorial service, or processional route;

(b) uttering, within five hundred feet of the ceremonial site, location of the funeral or memorial service, or the family’s processional route to the funeral or memorial service, loud, threatening, or abusive, obscene, or profane language or singing, chanting, whistling, or yelling with or without noise amplification in a manner that would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or processional route; or

(c) attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location being used for a funeral or memorial.

As used in this item, the term ‘facilities or buildings’ includes the surrounding grounds and premises of a building or facility used in connection with the operation or functioning of the facilities or buildings.

(B) A person who violates the provisions of this section commits the offense of disorderly conduct and:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ninety days;

(2) for a second offense, is guilty of misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned not more than three years; and

(3) for a third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, the summary courts are vested with jurisdiction to hear and dispose of cases involving a first offense violation of this section. If the person who violates the provisions of this section is a child, as defined in Section 63‑19‑20, jurisdiction must remain vested in the family court.”

SECTION 3. Sections 16‑17‑520 and 16‑17‑525 of the 1976 Code are repealed.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑