**A** **BILL**

TO AMEND SECTION 17-13-20 OF THE 1976 CODE, RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN’S ARREST, TO PROVIDE THAT A CITIZEN MAY ONLY ARREST A PERSON IN THE NIGHTTIME AS NECESSARY IF THE PERSON HAS ENTERED A DWELLING HOUSE WITHOUT EXPRESS OR IMPLIED PERMISSION; AND TO REPEAL SECTION 17-13-10, RELATING TO ADDITIONAL CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN’S ARREST.

Whereas, the practice of allowing citizen’s arrests is an archaic vestige of the common law that dates back to medieval England; and

Whereas, the senseless, brutal murder of Ahmaud Arbery in Brunswick, Georgia demonstrates the tragic consequences of the vigilantism that is encouraged by outdated citizen’s arrest laws; and

Whereas, it is time to modernize South Carolina’s citizen’s arrest laws to prevent the heartbreak that befell Georgia before it happens here. Now, therefore,

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

SECTION 1. Section 17‑13‑10 of the 1976 Code, relating to circumstances in which a citizen may conduct a ‘citizen’s arrest,’ is repealed.

SECTION 2. Section 17‑13‑20 of the 1976 Code is amended to read:

“Section 17-13-20. A citizen may arrest a person in the nighttime by efficient means as the darkness and the probability of escape render necessary, even if the life of the person should be taken, when the person~~:~~

~~(a)~~ ~~has committed a felony;~~

~~(b)~~ has entered a dwelling house without express or implied permission~~;~~

~~(c)~~ ~~has broken or is breaking into an outhouse with a view to plunder;~~

~~(d)~~ ~~has in his possession stolen property; or~~

~~(e)~~ ~~being under circumstances which raise just suspicion of his design to steal or to commit some felony, flees when he is hailed~~.”

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

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