**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3021**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gilliard, Robinson and Tedder

Document Path: l:\council\bills\rt\17811wab21.docx

Companion/Similar bill(s): 3428

Introduced in the House on January 12, 2021

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

Summary: Citizen's arrest

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 40](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 40](file:///h:\hj\20210112.docx))

2/11/2021 House Member(s) request name added as sponsor: Tedder

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3021&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3021_20201209.docx)

**A** **BILL**

TO AMEND SECTION 16‑17‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF IMPERSONATING A LAW ENFORCEMENT OFFICER, SO AS TO REMOVE THE EXCEPTION FOR A CITIZEN’S ARREST; TO AMEND SECTION 40‑41‑80, RELATING TO HAWKER AND PEDDLER LICENSES, SO AS TO REMOVE PROVISIONS ALLOWING FOR A CITIZENS’ ARREST OF AN UNLICENSED HAWKER OR PEDDLER; AND TO REPEAL SECTIONS 17‑13‑10 AND 17‑13‑20 BOTH RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY MAKE AN ARREST.

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

SECTION 1. Section 16‑17‑720 of the 1976 Code is amended to read:

“Section 16‑17‑720. (A) It ~~shall be~~ is unlawful for any person other than a duly authorized law enforcement officer to represent to any person that he is a law enforcement officer and, acting upon such representation, to arrest or detain any person, search any building or automobile or in any way impersonate a law enforcement officer or act in accordance with the authority commonly given to such officers. ~~Nothing in this section shall be construed to prohibit a private citizen from making a citizen’s arrest in accordance with the laws of this State.~~

(B) Any person ~~violating~~ who violates the provisions of this section ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be fined not more than five hundred dollars or imprisoned for not more than one year.”

SECTION 2. Section 40‑41‑80 of the 1976 Code is amended to read:

“Section 40‑41‑80. Every magistrate and constable and the sheriff and all of his regular deputies shall~~, and every citizen may,~~ demand and inspect the license of any hawker or peddler in his county who shall come under the notice of any of such persons, and any such officer shall~~, or such citizen may,~~ arrest or cause to be arrested any hawker or peddler found without a good and valid license and bring such hawker or peddler before the nearest magistrate to be dealt with according to law.”

SECTION 3. Sections 17‑13‑10 and 17‑13‑20 of the 1976 Code are repealed.

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

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