**A** **BILL**

TO AMEND SECTION 10‑1‑165, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD ALL DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, AND TO PROVIDE THAT ANY MEMBER OF A LOCAL GOVERNING BODY WHO VOTES IN FAVOR OF ANY ACTION THAT VIOLATES THIS SECTION IS GUILTY OF MISCONDUCT IN OFFICE.

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

SECTION 1. Section 10‑1‑165(A) of the 1976 Code is amended to read:

“(A)(1) No colonial war, Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish‑American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, any armed conflict involving South Carolinians, Native American, or African American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, installation, nameplate, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure ~~or~~, public figure, person, persons, historic event, commemorated event, celebrated event, occurrence, commemoration, memorial, recognition, or any other facts resulting in the placement of the monument or memorial on public property may be relocated, removed, disturbed, altered, renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

(2) Notwithstanding any other provision of law, if a county or municipality violates the provisions of item (1), then the Treasurer shall withhold all disbursements from the Local Government Fund for that county or municipality for the remainder of the fiscal year and the following fiscal year.

(3) Any member of a local governing body who votes in favor of any action that violates item (1) is guilty of misconduct in office.

(4) A person or organization that has an interest in caring for the property set forth in subsection (A) may bring a civil action for a violation of this section to recover damages and the cost of restoration and repair of the property, plus attorney’s fees and court costs. When the violation is under color of law or by any governmental agency, the recovery may be for treble damages in addition to the cost of restoration and repair of the property, plus attorney’s fees and court costs. An organization with a purpose, primary or otherwise, to remember or honor a particular event, people, or time period including, but not limited to, historical and heritage organizations, shall have civil standing to bring an action as described in this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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