~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 4, 2022

**H. 3291**

Introduced by Reps. Pope, Burns, Chumley, Bryant, V.S. Moss, Haddon, Forrest and Ligon

S. Printed 5/4/22--S.

Read the first time March 17, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3291) to amend Section 16‑11‑600, Code of Laws of South Carolina, 1976, relating to trespassing and the posting of notice of trespassing, so as to allow, etc., respectfully

**REPORT:**

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

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Local Expenditure**

This bill creates a new method by which a landowner can provide sufficient posting notice to trespassers and removes the requirement that imprisonment for a conviction of unlawful trespass after notice include hard labor on the public works of the county.

Judicial reports there were 677 trespass filings in summary courts in FY 2020-21. This bill may increase the number of trespass filings in summary court. RFA anticipates that any increase to the summary court docket can be managed within existing appropriations, and therefore, will have no local expenditure impact.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 16‑11‑600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE‑PAINTED BOUNDARIES.

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

SECTION 1. Section 16‑11‑600 of the 1976 Code is amended to read:

“Section 16‑11‑600. (A) Every entry upon the lands of another where any horse, mule, cow, hog, or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant has been posted prohibiting such entry, ~~shall be~~ is a misdemeanor and must be punished by a fine of not ~~to exceed~~ more than one hundred dollars~~,~~ or by imprisonment ~~with hard labor on the public works of the county for~~ not ~~exceeding~~ more than thirty days. ~~When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.~~

(B) The owner or tenant of any lands may accomplish the required posting of notice as follows:

(1) by posting a notice in four conspicuous places on the borders of such land prohibiting entry thereon; or

(2) by marking boundaries with a clearly visible purple‑painted marking, consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are not more than one hundred yards apart and readily visible to any person approaching the property.

(C) When any owner or tenant of any lands shall post a notice as provided in this section, a proof of the posting is deemed and taken as notice conclusive against the person making entry for the purpose of trespassing.”

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

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