**A** **BILL**

TO AMEND SECTION 16‑3‑1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON COMPENSATION OF VICTIMS OF CRIME, SO AS TO REVISE THE DEFINITION OF “CRIME” TO INCLUDE THE AMENDED DEFINITION OF TERRORISM; TO AMEND SECTION 16‑23‑710, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION, SO AS TO REDEFINE THE DEFINITION OF “TERRORISM” TO ADD A REQUIREMENT THAT IT INCLUDE CONSULTATION, COORDINATION, OR COLLUSION WITH A FOREIGN TERRORIST ORGANIZATION AS DEFINED PURSUANT TO FEDERAL LAW; AND BY ADDING SECTION 16‑23‑790 SO AS TO PROHIBIT PARTICIPATION IN THE PROSECUTION OF ANY PERSON FOR TERRORISM IF HIS ALLEGED ACTIONS DO NOT CONFORM TO THE REVISED STATE DEFINITION OF TERRORISM.

Whereas, the Congress of the United States of America is considering expanding the prosecution of “domestic terrorism” by deleting any requirement of international involvement or coordination with a foreign government or terrorist organization; and

Whereas, such an expansion would permit the prosecution of United States residents under laws intended primarily to reach foreign actors and nonresident aliens who are generally outside the jurisdiction of the United States, and thus would facilitate politically motivated prosecutions of United States citizens; and

Whereas, the domestic criminal laws of this State adequately provide for the prosecution of South Carolina residents who commit acts which, if committed by foreign actors, would constitute international terrorism; and

Whereas, the State of South Carolina declines to permit its officials, personnel, funds, facilities, or other resources to be used to participate in or be used to facilitate such prosecutions. Now, therefore,

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

SECTION 1. Section 16‑3‑1110(A)(6) of the 1976 Code is amended to read:

“(6) ‘Crime’ means an act which is defined as a crime by state, federal, or common law, including terrorism as defined in ~~Section 2331 of Title 18, United States Code~~ Section 16‑23‑710. Unless injury or death was recklessly or intentionally inflicted, ‘crime’ does not include an act involving the operation of a motor vehicle, boat, or aircraft.”

SECTION 2. Section 16‑23‑710(18) of the 1976 Code is amended to read:

“(18) ‘Terrorism’ ~~includes~~ consists of activities that:

(a) involve acts dangerous to human life that are a violation of the criminal laws of this State;

(b) appear to be intended to:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or

(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; ~~and~~

(c) occur primarily within the territorial jurisdiction of this State; and

(d) are conducted in consultation, coordination, or collusion with, or under the direction, control, or influence of:

(i) a foreign terrorist organization as defined under section 219 of the Immigration and Nationality Act, 8 U.S.C. Section 1189(a);

(ii) an individual or organization designated under Executive Order 13224 (50 U.S.C. 1701 note); or

(iii) a state sponsor of terrorism as determined by the Secretary of State under Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605), Section 40 of the Arms Export Control Act (22 U.S.C. 2780), or Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).”

SECTION 3. Article 7, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑790. Notwithstanding any other provision of South Carolina law or the laws of the United States, or the request of any federal official, neither the Attorney General nor any Assistant Attorney General, circuit solicitor, or assistant circuit solicitor may prosecute or participate in the prosecution of any person charged with ‘terrorism’ or ‘domestic terrorism’ if the actions alleged to have been committed by such person fail to meet the definition of ‘terrorism’ as provided in Section 16‑23‑710, or may use or permit the use of any funds, equipment, or facilities of this State or any of its political subdivisions in furtherance of, or in connection with, any such prosecution; provided, that nothing contained in this section prohibits the prosecution of a person for any other crimes committed in this State.”

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.

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