

NO. 68

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021**

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**THURSDAY, MAY 6, 2021**

**Thursday, May 6, 2021  
(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Genesis 18:12a

In the wonderful Genesis story about Sarah and Abraham, being told that they are to have a child in their old age, we read: “So Sarah laughed to herself.”

Join me as we pray: O God, the genuinely delightful story about two of Your servants, about Sarah and Abraham, points out how very much You care for Your people. So here on this National Day of Prayer we praise You, Lord, not just for Your many promises found in scripture, but surely for the gifts you grant to us in our own lives. By Your grace lead each of us not only to relish the very real gift of laughter, as did Sarah, but also allow a measure of joy to embrace us every moment of our lives, no matter what problems might confront us. And may the heart of each Senator and every staff member in this place always be full of thanksgiving for your wondrous blessings and Your gifts. In Your loving name we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Call of the Senate**

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Alexander | Allen                 | Campsen                 |
| Cash      | Climer                | Corbin                  |
| Cromer    | Davis                 | Fanning                 |
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimpson   | Leatherman            | Martin                  |
| Massey    | Matthews              | McElveen                |
| Peeler    | Rice                  | Sabb                    |

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|        |          |          |
|--------|----------|----------|
| Scott  | Senn     | Setzler  |
| Shealy | Stephens | Talley   |
| Turner | Verdin   | Williams |
| Young  |          |          |

A quorum being present, the Senate resumed.

**Leave of Absence**

On motion of Senator FANNING, at 11:20 A.M., Senator McLEOD was granted a leave of absence until 11:45 A.M.

**Leave of Absence**

On motion of Senator STEPHENS, at 12:56 P.M., Senator JACKSON was granted a leave of absence until 2:30 P.M.

**Leave of Absence**

At 2:00 P.M., Senator LEATHERMAN requested a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator SABB, at 3:28 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bill:  
S. 792 Sens. Campsen and Kimbrell

**RECALLED**

H. 3243 -- Reps. Collins, Bernstein, Kimmons, Forrest, Herbkersman, Erickson, W. Cox, Elliott, Carter, Cobb-Hunter, Rutherford, King, Henegan, Wheeler, Thigpen, Pendarvis, Rose, Bamberg, Dillard, McKnight, Garvin, Stavrinakis, Ott, Weeks, Atkinson, R. Williams, Jefferson, Kirby, J.L. Johnson, Cogswell, Caskey, Matthews, S. Williams and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-35 SO AS TO PROVIDE PEOPLE WHO ARE LAWFULLY PRESENT IN THIS STATE AND ARE NOT PRECLUDED FROM ESTABLISHING RESIDENCY UNDER FEDERAL IMMIGRATION LAW MAY ESTABLISH RESIDENCY AND BE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THE

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PROVISIONS OF THIS CHAPTER, PROVIDED OTHER LICENSURE REQUIREMENTS ARE MET.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry.

The Bill was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND ADOPTED**

S. 450 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 IN CHARLESTON COUNTY FROM A POINT ONE AND ONE-QUARTER MILES EAST OF OLD JACKSONBORO ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 7 "CURTIS B. INABINETT, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator GROOMS, the Resolution was adopted and ordered sent to the House.

**RECALLED AND ADOPTED**

S. 787 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME ST. MARK BOWMAN ROAD IN DORCHESTER COUNTY "CAPTAIN JEROME JONES ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

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The Resolution was recalled from the Committee on Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator GROOMS, the Resolution was adopted and ordered sent to the House.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 797 -- Senators Young, Setzler and Massey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HIGHWAY 1 FROM ITS INTERSECTION WITH I-20 TO HIGHWAY 78 (RICHLAND AVENUE) IN AIKEN COUNTY "VETERANS MEMORIAL HIGHWAY", NAME THE PORTION OF HIGHWAY 25 FROM THE EDGEFIELD COUNTY LINE TO THE NORTH AUGUSTA CITY LIMITS IN AIKEN COUNTY "VETERANS HIGHWAY", NAME THE PORTION OF HIGHWAY 78 (RICHLAND AVENUE) FROM ITS INTERSECTION WITH HIGHWAY 1 (YORK STREET) EAST TO THE AIKEN COUNTY LINE IN AIKEN COUNTY "GOLD STAR FAMILIES MEMORIAL HIGHWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS AT THESE LOCATIONS CONTAINING THE DESIGNATIONS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 798 -- Senators Stephens, Matthews and Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AT INTERSTATE 95 AND UNITED STATES HIGHWAY 178 IN DORCHESTER COUNTY "PATSY G. KNIGHT INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Concurrent Resolution was adopted, ordered sent to the House.

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H. 3873 -- Reps. R. Williams, Henegan, Anderson, Jefferson, Kirby, Alexander, S. Williams, Rivers, Lowe and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOCIETY HILL ROAD IN DARLINGTON COUNTY FROM ITS INTERSECTION WITH GREENFIELD ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 "COLONEL CHRISTOPHER N. WILLIAMSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4041 -- Reps. Anderson and McKnight: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OLD GEORGETOWN ROAD IN WILLIAMSBURG COUNTY FROM ITS INTERSECTION WITH BARTELLS ROAD TO ITS INTERSECTION WITH BURLINGTON ROAD "WILLIAM 'TOON' AND MARY 'BOY' COOPER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4125 -- Reps. Rose, Howard and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT A SIGN IN RICHLAND COUNTY ON THE CORNER OF GERVAIS STREET WHERE IT INTERSECTS WITH MCDUFFIE STREET IN THE CITY OF COLUMBIA'S LYONS STREET NEIGHBORHOOD CONTAINING THE WORDS "IN MEMORY OF MARVIN HELLER LONGTIME LYON STREET NEIGHBORHOOD PRESIDENT AND COMMUNITY ACTIVIST".

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 4181 -- Rep. Calhoon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGES IN LEXINGTON COUNTY THAT CROSS HORSE AND HOLLOW CREEKS ALONG UNITED STATES HIGHWAY 378 WESTBOUND LANE "THE TWIN BRIDGES - WEST" AND NAME THE BRIDGES THAT CROSS HOLLOW AND HORSE CREEKS ALONG UNITED STATES HIGHWAY 378 EASTBOUND LANE "THE TWIN BRIDGES - EAST" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE APPROACHES TO EACH RESPECTIVE LOCATION CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4182 -- Rep. Jones: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT A SIGN CONTAINING THE WORDS "IN MEMORY OF SAM JEROME MCCALL, JR." ALONG SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY BETWEEN ITS INTERSECTIONS WITH LONG VIEW ROAD AND CRYSTAL BAY DRIVE.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4218 -- Reps. McDaniel and Ligon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN THE CITY OF CHESTER IN CHESTER COUNTY FROM ITS INTERSECTION WITH HUDSON STREET TO ITS INTERSECTION WITH CEMETERY STREET "CHRISTOPHER KING, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4281 -- Rep. Kirby: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH OLD RIVER ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH BASSWOOD ROAD

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TO ITS INTERSECTION WITH DELTA MILL ROAD "JUDGE TAFT GUILLES, JR. ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4295 -- Rep. Howard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT TWO NOTCH ROAD WHERE IT INTERSECTS WITH CUSHMAN DRIVE IN RICHLAND COUNTY "BISHOP C.L. LORICK, SR. MEMORIAL INTERSECTION" AND ERECT AN APPROPRIATE SIGN OR MARKER AT THIS LOCATION CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4315 -- Reps. Atkinson and Kirby: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 76 IN MARION COUNTY FROM ITS INTERSECTION WITH BROCKINGTON ROAD TO SOUTH CYPRESS STREET "WILLIAM 'PENN' TROY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4320 -- Reps. G. R. Smith, Trantham and Willis: A BILL TO AMEND SECTION 7-7-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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Read the first time and referred to the Committee on Judiciary.



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**Appointments Reported**

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Board of Juvenile Parole, with the term to commence June 30, 2019, and to expire June 30, 2023

At-Large :

Suzanne S. Prosser, 697 Wedgewood Dr., Murrells Inlet, SC 29576

Received as information.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence June 30, 2020, and to expire June 30, 2024

At-Large :

Cindy Risher, 1061 Blue Bird Court, Summerton, SC 29148-7276  
*VICE* Barbara W. Mishoe - resigned

Received as information.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2020, and to expire September 30, 2023

Occupational Therapist:

M. Rebecca T. Coleman, 605 Wando Street, Columbia, SC 29205

Received as information.

Initial Appointment, South Carolina State Board of Podiatry Examiners, with the term to commence December 21, 2018, and to expire December 21, 2022

Upper District:

William Harris, IV, 1885 Overbrook Dr., Rock Hill, SC 29732-1536  
*VICE* Dr. Bradley A. Lindstrom

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Received as information.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2020, and to expire April 1, 2024

At-Large :

Thomas F. Dougall, 209 Redbay Road, Elgin, SC 29045-8651 *VICE*  
Elizabeth Walker

Received as information.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2021, and to expire September 30, 2024

Occupational Therapist:

Ricardo Holmes, 2 Bradford Ridge Court, Columbia, SC 29223

Received as information.

Initial Appointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2020, and to expire September 30, 2023

Lay Member:

Leslie M. Lyerly, 636 Marsh Pond Road, Johnsonville, SC 29555-6617

Received as information.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2020, and to expire April 1, 2024

Low Country - Recipient/Donor/Family:

Michael F. Cuenin, 1513 Appling Drive, Mount Pleasant, SC 29464-4689 *VICE* Debra Yasenka

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2021, and to expire June 30, 2027

2nd Congressional District:

Mary Douglas Smith, 1013 Trillie Lane, Chapin, SC 29036-8984  
*VICE* James Addison Livingston

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Received as information.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2020, and to expire April 6, 2026

4th Congressional District:

George Scott Bryant, 415 Grazing Ridge Lane, Moore, SC 29369-9042 *VICE* Katherine Ann George

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 200 -- Senators Hembree, Martin, Kimbrell, Shealy, Gustafson and Turner: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON SENTENCED TO DEATH MAY ELECT FOR ELECTROCUTION OR LETHAL INJECTION IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS DIRECTOR SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON IF EXECUTION BY LETHAL INJECTION IS

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UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

Very respectfully,  
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 427 -- Senators Alexander, Hutto and Scott: A BILL TO AMEND SECTION 40-43-75 OF THE 1976 CODE, RELATING TO RENAL DIALYSIS FACILITIES, TO PROVIDE THAT A RENAL DRUG MANUFACTURER OR ITS AGENT MAY DELIVER A LEGEND DRUG OR DEVICE TO A PATIENT OF A RENAL DIALYSIS FACILITY IF CERTAIN CRITERIA ARE MET, AND TO DEFINE NECESSARY TERMS.

Very respectfully,  
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3539 -- Reps. Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-9-55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE

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MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD;  
AND TO REPEAL SECTION 50-9-655 RELATING TO PIG  
TRANSPORT AND RELEASE PERMITS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3194 -- Reprs. Lucas, G.M. Smith, Simrill, Rutherford, Thigpen, McCravy, McGarry, B. Newton, Long, Yow and Carter: A BILL TO AUTHORIZE THE SALE OF THE ASSETS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE ASSUMPTION OR DEFEASMENT OF ITS LIABILITIES OR THE MANAGEMENT OF THE OPERATIONS OF THE PUBLIC SERVICE AUTHORITY BY A THIRD PARTY OR ENTITY; TO CREATE A SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY TO FURTHER NEGOTIATE THE TERMS AND CONDITIONS OF THE PREFERRED SALE RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY AND THE PREFERRED MANAGEMENT RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY, TO PROVIDE THAT THE SPECIAL COMMITTEE SHALL REPORT ONE RECOMMENDATION TO EACH HOUSE OF THE GENERAL ASSEMBLY FOR ITS APPROVAL, AND TO PROVIDE FOR THE MANNER IN WHICH THE SELECTED PROPOSAL SHALL TAKE EFFECT; AND TO AMEND CHAPTER 31, TITLE 58, CODE LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SERVICE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE GOVERNANCE AND OPERATIONS OF THE AUTHORITY IN CERTAIN PARTICULARS.

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asks for a Committee of Conference, and has appointed Reps. Reps. Lucas, G.M. Smith and Rutherford to the committee on the part of the House.

Very respectfully,  
Speaker of the House

Received as information.

**H. 3194--CONFERENCE COMMITTEE APPOINTED**

Whereupon, Senators RANKIN, MASSEY and HUTTO were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4027 -- Rep. Burns: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO AMEND REWA'S SERVICE AREA AND TO REVISE THE MEMBERSHIP OF THE GOVERNING COMMISSION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**MASTER-IN-EQUITY**

Appointment, Spartanburg County Master-in-Equity, with term to commence July 01, 2021, and to expire June 30, 2027:

Shannon M. Phillips 251 Coggins Shore Road Inman, S.C. 29349

Very respectfully,

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Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**MASTER-IN-EQUITY**

Appointment, Greenville County Master-in-Equity, with term to commence January 01, 2021, and to expire December 31, 2027:

The Honorable Charles B. Simmons, Jr. 11 West Hillcrest Drive  
Greenville, S.C. 29609

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**MASTER-IN-EQUITY**

Appointment, York County Master-in-Equity, with term to commence July 01, 2021, and to expire June 30, 2027:

The Honorable Teasa Kay Weaver 917 Snow Prince Lane York, S.C.  
29745

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

S. 569 -- Senator Adams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 52 RIVERS AVENUE FROM ITS INTERSECTION WITH MALL DRIVE TO ITS INTERSECTION WITH MCMILLAN AVENUE IN CHARLESTON COUNTY "ROBERT ANTHONY 'TONY' WAY

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ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 668 -- Senators Goldfinch and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NICHOLS HIGHWAY FROM ITS INTERSECTION WITH SARVIS ROAD TO ITS INTERSECTION WITH TRULUCK JOHNSON ROAD IN HORRY COUNTY “BRENDA COOK MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 696 -- Senators Setzler and Shealy: A CONCURRENT RESOLUTION TO SEEK TO DESTIGMATIZE SUBSTANCE USE DISORDER, SHARE REAL STORIES OF HOPE AND RECOVERY, AND INSPIRE LEXINGTON COUNTY RESIDENTS TO SEEK HELP AND SUPPORT BY CHOOSING #COURAGEOVERSTIGMA.

Returned with concurrence.

Received as information.

S. 701 -- Senator Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF HIGHWAY 45 FROM BETAW ROAD EXTENDING 1.5 MILES TO ARROWHEAD TURN “HARVEY MIDDLETON ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 728 -- Senator Rice: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SC 135 (NORTH A STREET) FROM S-183 (NE MAIN STREET) TO ITS INTERSECTION WITH S-221 (FLEETWOOD DRIVE/OLIVE STREET) IN THE TOWN OF EASLEY AND PICKENS COUNTY “PROFESSOR JOHN T. SIMPSON MEMORIAL DRIVE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.



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S. 768 -- Senators Young, Massey, Setzler and Hutto: A CONCURRENT RESOLUTION TO NOMINATE MR. WILLIAM INMAN TO SERVE ON THE SAVANNAH RIVER SITE RESEARCH AUTHORITY BOARD OF DIRECTORS.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 771 -- Senator Hutto: A BILL TO CONSOLIDATE BAMBERG-EHRHARDT SCHOOL DISTRICT ONE (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT ONE) AND DENMARK-OLAR SCHOOL DISTRICT TWO (ALSO KNOWN AS BAMBERG SCHOOL DISTRICT TWO) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BAMBERG-EHRHARDT SCHOOL DISTRICT ONE AND DENMARK-OLAR SCHOOL DISTRICT TWO ON JULY 1, 2022; TO PROVIDE THAT THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2022 GENERAL ELECTION, SEVEN MEMBERS MUST BE ELECTED FROM DEFINED SINGLE-MEMBER ELECTION DISTRICTS DRAWN FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER BAMBERG-EHRHARDT SCHOOL DISTRICT ONE AND THE FORMER DENMARK-OLAR SCHOOL DISTRICT TWO; TO PROVIDE THAT THE MEMBERS OF THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND

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RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023, AND TO PROVIDE THAT BEGINNING IN 2024, THE BAMBERG COUNTY CONSOLIDATED SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator HUTTO.

**AMENDED, READ THE THIRD TIME  
HOUSE BILL RETURNED**

H. 3056 -- Reps. Hixon, Forrest and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 50-19-210 THROUGH 50-19-240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; BY REPEALING SECTIONS 50-19-1710 THROUGH 50-19-1730 ALL RELATING TO THE CATAWBA-WATEREE FISH AND GAME COMMISSION; BY REPEALING ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; BY REPEALING ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY ADVISORY FISH AND GAME COMMISSION; BY REPEALING ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; BY REPEALING ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; BY REPEALING ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN MARLBORO COUNTY; BY REPEALING ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; BY REDESIGNATING ARTICLE 5 OF CHAPTER 19, TITLE 50 AS "SLADE LAKE FISHING"; AND BY REDESIGNATING ARTICLE 29 OF CHAPTER 19, TITLE 50 AS "FISHING AND HUNTING IN LAKE WATEREE".

The Senate proceeded to a consideration of the Bill.

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Senators CAMPSSEN, McELVEEN, HUTTO, CLIMER, HARPOOTLIAN and GOLDFINCH proposed the following amendment (JUD3056.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 15, Title 50 of the 1976 Code is amended by adding:

“Article 6

Non-native Venomous Reptiles

Section 50-15-600.(A) For purposes of this section ‘non-native venomous reptile’ means all non-native members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison, and includes all non-native venomous reptiles of the class Reptilia belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all non-native venomous reptiles in the genus Heloderma; and all non-native venomous reptiles in the family Colubridae belonging to the genera: Rhabdophis, Boiga, Dispholidus, Thelatornis, and Atractapsi.

(B) Except as otherwise provided in this section, it is unlawful for a person to possess, sell, barter, trade, ship, or bring into this State, or attempt to possess, sell, barter, trade, ship, or bring into this State non-native venomous reptiles.

(C) Non-native venomous reptiles are hereby considered contraband per se and must be confiscated and may be euthanized in the discretion of the department.

(D)(1) A person who possesses less than ten non-native venomous reptiles in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, be imprisoned not more than 30 days, or both.

(2) A person who possesses ten or more non-native venomous reptiles in violation of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, be imprisoned not more than five years, or both.

(E) This section does not apply to an Association of Zoos and Aquariums accredited facility, licensed medical facilities, institutions of higher learning, other similar institutions, or any business engaged in the public exhibition of non-native venomous reptiles. The exhibition must be at a non-traveling, fixed facility that is open to the public for a time no less than thirty hours per week for at least six months each year.”

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SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator CAMPSSEN explained the amendment.  
The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House with amendments.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3957 -- Reps. Hewitt, Kirby, Bailey and G.M. Smith: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH AND SIZE LIMITS FOR THE TAKING, POSSESSING, LANDING, SELLING, OR PURCHASING OF CERTAIN FISH FROM THE STATE'S WATERS, SO AS TO DECREASE THE CATCH LIMIT AND INCREASE THE SIZE LIMIT FOR FLOUNDER.

**ORDERED ENROLLED FOR RATIFICATION**

The following Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4098 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY-STATE CROP PEST COMMISSION, RELATING TO ASIAN LONGHORNED BEETLE QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5015, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 508 -- Senators Shealy, Hutto and Gustafson: A BILL TO AMEND SECTIONS 44-78-15, 44-78-20, 44-78-30, 44-78-45(A), 44-78-50,

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AND 44-78-60 OF THE 1976 CODE, ALL RELATING TO DO NOT RESUSCITATE ORDERS, TO ALLOW A PARENT OR LEGAL GUARDIAN OF A MEDICALLY ELIGIBLE CHILD TO REQUEST AND REVOKE A DO NOT RESUSCITATE ORDER FOR EMERGENCY SERVICES FOR THE CHILD, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

**CARRIED OVER**

S. 432 -- Senator Alexander: A BILL TO AMEND ARTICLE 1, CHAPTER 59, TITLE 38 OF THE 1976 CODE, RELATING TO CLAIMS PRACTICES, BY ADDING SECTION 38-59-60, TO ALLOW FOR CONTRIBUTIONS FOR DEFENSE COSTS FOR THE SAME CLAIM, SUIT, OR ACTION AMONG MORE THAN ONE LIABILITY INSURER.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**OBJECTION**

S. 614 -- Senators Corbin, Loftis, Kimbrell, Garrett, Rice, Adams, Gustafson, Verdin, Cromer and Martin: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE MILITARY CODE, BY ADDING SECTION 25-1-80, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA UNORGANIZED MILITIA.

Senator TALLEY objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
AMENDMENT PROPOSED, OBJECTION**

H. 3024 -- Reps. Henegan, Robinson, Thigpen, Pendarvis, Yow, Bryant, D.C. Moss, Matthews, Brawley and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-7-355 SO AS TO AUTHORIZE THE STATE BOARD OF BARBER EXAMINERS TO ISSUE MOBILE BARBERSHOP PERMITS, TO ESTABLISH PERMIT REQUIREMENTS, AND TO FURTHER PROVIDE FOR THE REGULATION OF MOBILE BARBERSHOPS.

The Senate proceeded to a consideration of the Bill.

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The Committee on Labor, Commerce and Industry proposed the following amendment (3024R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, by striking page 2 in its entirety and inserting:

/ (C) In order to operate a mobile barbershop, a registered barber shall apply to the board for a mobile barbershop permit. The registered barber shall submit a permit application and fee in the form and manner prescribed by the board in regulation.

(D)(1) Before a mobile barbershop permit may be issued, an inspection of the mobile barbershop must be conducted by a representative of the board pursuant to Sections 40-7-320 and 40-7-330. Upon a satisfactory inspection, the board shall issue the applicant a mobile barbershop biennial permit to be affixed within the mobile barbershop as prescribed by the board. The board shall also issue a permit card to be carried by the registered barber when practicing barbering through a portable barber operation.

(2) A mobile barbershop permit must be annually renewed, and a renewal fee paid, as prescribed by the board in regulation.

(3) A mobile barbershop is subject to unannounced inspections and must be annually inspected before a permit may be renewed.

(E)(1) A mobile barbershop permittee shall maintain an official business address, which must be indicated on the permit application and which must not be a post office box. If an address different from the official business address is used for official business, then that address must also be provided. Permit applications must also include the home address of the applicant. The inclusion of the applicant's home address on the application does authorize the applicant to conduct business at his home address if the applicant is issued a license.

(2) A mobile barbershop permittee shall maintain an official telephone number, which must be indicated on the application. If other phones are used for official business, then those phone numbers must also be provided.

(3) The board must be notified within thirty days of any change in the official business address or telephone number as indicated on the permit application or as otherwise provided to the board.

(F) A mobile barbershop permittee shall comply with all applicable federal, state, and local laws, regulations, and ordinances pertaining to the practice of barbering and with all applicable flammability, construction, sanitation, zoning, or infectious waste management guidelines; Occupational Safety and Health Administration guidelines; and federal Centers for Disease Control and Prevention guidelines. The

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permittee shall maintain any applicable county and city licenses or permits, including business licenses, to operate the mobile barbershop at the location where barbering services will be provided.

(G) A mobile barbershop permittee shall maintain a written or an electronic record of the street addresses where barbering services will be provided during any two-week period. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (3024NS), which was proposed:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_\_, A mobile barbershop is prohibited from operating within eyesight of the nearest registered barbershop.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

Senator SENN objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE SECOND TIME**

H. 3244 -- Reps. Collins, Cobb-Hunter, Huggins, Thayer, Anderson, Caskey, Govan and S. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE "SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION", AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

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The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (3244R001.KMM.TCA), which was adopted:

Amend the bill further, as and if amended, on page 2, by striking lines 1 through 4 and inserting:

/ (b) for which an individual is compensated at or above the minimum wage, but not less than the customary wage. /

Amend the bill further, as and if amended, by striking Section 41-5-150(A), and inserting:

/ Section 41-5-150. (A) There is hereby established the ‘South Carolina Employment First Oversight Commission’ consisting of nine members appointed by the Governor; five of whom must have a disability or have substantial knowledge of disability issues, and four of whom must be from the business community. /

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (VR\3244C001.CC.VR21), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 4, after line 22, by adding:

/ Section 41-5-190. (A) There is established in the State Treasury the Disabled Self-Employment Development Trust Fund, separate and distinct from the general fund. The fund shall consist of general fund appropriations and donations, contributions, bequests, or other gifts. Earnings and interest on this fund must be credited to it and any balance at the end of the fiscal year carries forward to the fund in the succeeding fiscal year. The fund shall bear all costs and expenses of administering the program established pursuant to subsection (B).

(B) The South Carolina Employment First Commission shall establish and administer the program that awards grants to qualifying residents of this State with physical or mental impairments who start, expand, or acquire a business within this State.

(C) To receive a grant pursuant to this program, an applicant must:

(1) meet the eligibility requirements established by the commission in regulation;



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(2) not have previously received educational or training equipment through another rehabilitation program when that equipment could be used in the applicant's proposed business;

(3) have at least fifty-one percent ownership in a for-profit business that is actively owned, operated, and managed in this State;

(4) agree to an approved business plan that will result in self-sufficiency as measured by earnings that equal or exceed eighty percent of substantial gainful activity, having first submitted the business plan to the Small Business Administration and providing the administration's feedback to the commission for review. For purposes of this item, 'earnings' and 'substantial gainful activity' have the same meaning as defined by the Social Security Administration; and

(5) provide documentation to the satisfaction of the commission of the applicant's ability to match dollar-for-dollar the amount of funds requested.

(D) Monies in the Disabled Self-Employment Development Trust Fund must be expended solely to provide business development grants pursuant to this section.

(E) Grants awarded pursuant to the program may in no way reduce, impair, or diminish the benefits to which the beneficiary is otherwise entitled by state law.

(F) Grants may not be awarded:

(1) to support the purchase of real estate;

(2) to be used as a cash infusion, for personal or business loan repayments, or for personal or business credit card debt; and

(3) to start, expand, or acquire any of the following types of businesses:

(a) a hobby or similar activity that does not produce income at the level required for self-sufficiency;

(b) a business venture that is speculative in nature or considered high risk;

(c) a business registered with the federal Internal Revenue Service as a Section 501(c)(3) entity or other entity set up deliberately to be not-for-profit;

(d) a business that is not fully compliant with all local, state, and federal zoning requirements and all other applicable local, state, and federal requirements; and

(e) any illegal business venture.

(G) The commission shall adopt rules and may promulgate regulations necessary for the implementation and administration of this section." /

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Amend the bill further, as and if amended, by adding appropriately numbered SECTIONS to read:

/ SECTION \_\_. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3760. There is allowed as a tax credit against income tax liability of a taxpayer imposed by this chapter for contribution to the Disabled Self-Employment Development Trust Fund. The credit is equal to one hundred percent of the contribution. The tax credit allowed by this section is nonrefundable and if the amount of the credit exceeds the taxpayer’s liability for the applicable taxable year any unused credit may be carried forward and claimed in the five succeeding taxable years.”

SECTION \_\_. Section 12-6-5060(A) of the 1976 Code, as last amended by Act 172 of 2020, is further amended to read:

“(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51-18-115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50-1-280, the Children’s Trust Fund of South Carolina established pursuant to Section 63-11-910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43-21-160, the First Steps to School Readiness Fund established pursuant to Section 63-11-1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44-43-1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23-3-65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K-12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60, the Financial Literacy Trust Fund established pursuant to Section 59-29-510, the South Carolina Association of Habitat for Humanity Affiliates, the Disabled Self-Employment Development Trust Fund established pursuant to Section 41-5-190(A), or the Department of Archives and History and only used by the agency to purchase or preserve collections with

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significant historical value to the State by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.” /

Re-number sections to conform.  
Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 0**

**AYES**

|                         |             |                       |
|-------------------------|-------------|-----------------------|
| Adams                   | Alexander   | Allen                 |
| Bennett                 | Campsen     | Cash                  |
| Climmer                 | Corbin      | Cromer                |
| Davis                   | Fanning     | Gambrell              |
| Garrett                 | Goldfinch   | Grooms                |
| Gustafson               | Harpootlian | Hembree               |
| Hutto                   | Jackson     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell    | Kimpson               |
| Leatherman              | Loftis      | Malloy                |
| Martin                  | Massey      | Matthews              |
| McElveen                | Peeler      | Rice                  |
| Sabb                    | Scott       | Senn                  |
| Setzler                 | Shealy      | Stephens              |
| Talley                  | Turner      | Verdin                |
| Williams                | Young       |                       |

**Total--44**

**NAYS**

**Total--0**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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**OBJECTION**

H. 3612 -- Reps. Lucas, Allison, M.M. Smith, Calhoon, Govan, Davis, Murray, Gilliard, Carter, Anderson and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA COMPUTER SCIENCE EDUCATION INITIATIVE ACT" BY ADDING SECTION 59-29-250 SO AS TO PROVIDE FOR THE EXPANSION AND ENHANCEMENT OF COMPUTER SCIENCE EDUCATION IN PUBLIC HIGH SCHOOLS THROUGH THE CREATION AND IMPLEMENTATION OF A STATEWIDE COMPUTER SCIENCE EDUCATION PLAN AND THE REQUIREMENT THAT EACH PUBLIC SCHOOL OFFERS AT LEAST ONE COMPUTER SCIENCE COURSE THAT MEETS CERTAIN CRITERIA.

Senator RANKIN objected to consideration of the Bill

**READ THE SECOND TIME**

H. 3222 -- Reps. Davis, Forrest, Hiott, Cobb-Hunter, Jefferson, R. Williams and J. Moore: A BILL TO AMEND SECTION 44-96-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PENALTIES FOR VIOLATING WASTE TIRE REGULATIONS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; TO AMEND SECTION 44-96-170, RELATING TO THE REGULATION OF WASTE TIRES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS AND MAKE CERTAIN PERMITTING DECISIONS CONCERNING WASTE TIRE MANAGEMENT; AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

Senator GAMBRELL explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|         |           |          |
|---------|-----------|----------|
| Adams   | Alexander | Allen    |
| Bennett | Campsen   | Cash     |
| Climer  | Corbin    | Cromer   |
| Davis   | Fanning   | Gambrell |

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|                         |             |                       |
|-------------------------|-------------|-----------------------|
| Garrett                 | Goldfinch   | Grooms                |
| Gustafson               | Harpootlian | Hembree               |
| Hutto                   | Jackson     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell    | Kimpson               |
| Leatherman              | Loftis      | Malloy                |
| Martin                  | Massey      | Matthews              |
| McElveen                | McLeod      | Peeler                |
| Rice                    | Sabb        | Scott                 |
| Senn                    | Setzler     | Shealy                |
| Stephens                | Talley      | Turner                |
| Verdin                  | Williams    | Young                 |

**Total--45**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE SECOND TIME**

S. 152 -- Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice and Hembree: A BILL TO ENACT THE "COUNTY GREEN SPACE SALES TAX ACT"; TO AMEND CHAPTER 10, TITLE 4 OF THE 1976 CODE, RELATING TO COUNTY LOCAL SALES AND USE TAXES, BY ADDING ARTICLE 10, TO CREATE THE COUNTY GREEN SPACE SALES TAX, TO IMPOSE THE TAX, TO PROVIDE FOR THE CONTENTS OF THE BALLOT AND THE PURPOSE FOR WHICH TAX PROCEEDS MAY BE USED, TO PROVIDE FOR THE IMPOSITION AND TERMINATION OF THE TAX, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND COLLECT THE TAX, TO PROVIDE FOR DISTRIBUTIONS TO COUNTIES AND CONFIDENTIALITY, AND TO PROVIDE FOR UNIDENTIFIED FUNDS, TRANSFERS, AND SUPPLEMENTAL DISTRIBUTIONS.

The Senate proceeded to a consideration of the Bill.

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The Committee on Finance proposed the following amendment (DG\152C002.NBD.DG21), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act must be known and may be cited as the “County Green Space Sales Tax Act”.

SECTION 2. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“ARTICLE 10

County Green Space Sales Tax

Section 4-10-1010. (A) For the purposes of this article, ‘preservation procurements’ means procuring open lands or green space for preservation, by and through the acquisition of interests in real property, including:

- (1) the acquisition of fee simple titles;
- (2) conservation easements;
- (3) development rights;
- (4) rights of first refusal;
- (5) options;
- (6) leases with options to purchase; and
- (7) any other interests in real property.

(B)(1) Subject to the requirements of this article, a county’s governing body may impose a sales and use tax by ordinance, subject to a referendum, within the county area for preservation procurements.

(2) Revenues collected pursuant to this article may be used to defray debt service on bonds issued to pay for preservation procurements authorized in this article. This authorization is in addition to any other locally imposed sales and use taxes.

Section 4-10-1020. (A) The sales and use tax authorized by this article may be imposed by an enacting ordinance of a county’s governing body, subject to referendum approval in the county. An enacting ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include preservation procurements located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area;

(2) if the county proposes to issue bonds to provide for the payment of any costs of the preservation procurements, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be

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pledged to the payment of the bonds and, if other sources of funds are to be used for the preservation procurements, a list of the other sources;

(3) the maximum cost of the preservation procurements, to be funded from the proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) the fact that preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction.

(B)(1) Upon receipt of an ordinance, a county's election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. A referendum for imposition or reimposition of the tax must be held at the time of the next general election. Subject to item (2), two weeks before a referendum, a county's election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with a description of the methods by which the county's governing body intends to procure open lands and green space for preservation. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any preservation procurements, then the notice must include a statement indicating the principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(2) If a referendum on the question of imposing the sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the county's election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with a description of the methods by which the county's governing body intends to procure open lands and green space for preservation.

(C) The referendum question to be on the ballot must read substantially as follows:

'Must a special one percent sales and use tax be imposed in [county] for not more than [time] to raise the amounts specified for preservation procurements for the purpose of procuring open lands and green space by and through the acquisition of interests in real property, such interests to include:

- (a) the acquisition of fee simple titles;
- (b) conservation easements;

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- (c) development rights;
- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?

Yes

No

If the referendum includes the issuance of bonds, then the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds.

(D) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote 'yes', and all qualified electors opposed to levying the tax shall vote 'no'. If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this article and the enacting ordinance. Any subsequent referendum on this question must be held on the date prescribed in subsection (B). The election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the result no later than November thirtieth to the county governing body and to the Department of Revenue. Expenses of the referendum must be paid by the governmental entities that would receive the proceeds of the tax in the same proportion as those entities would receive the net proceeds of the tax.

(E) Upon receipt of the returns of a referendum, a county's governing body must, by resolution, declare the results thereof. In such event, the results of the referendum, as declared by resolution of the county's governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date such resolution is adopted.

Section 4-10-1030. (A) If the sales and use tax is approved in a referendum, then the tax shall be imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in a referendum, then the new tax is imposed immediately following the termination of the earlier imposed tax, and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition. If the certification is not timely made to the Department of Revenue, then the imposition is postponed for twelve months.

(B) The tax terminates the final day of the maximum time period specified for the imposition.



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(C)(1) Amounts collected in excess of the required net proceeds must first be applied, if applicable, to complete the preservation procurements for which the tax was imposed.

(2) If funds still remain after first using the funds as described in item (1) and the tax is not reimposed, then the remaining funds must be used for the purposes set forth in Section 4-10-330(A)(1). These remaining funds may only be expended for the purposes set forth in Section 4-10-330(A)(1) following an ordinance specifying the authorized purpose or purposes for which the funds will be used.

Section 4-10-1040. (A) The tax levied pursuant to this article must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The Department of Revenue may prescribe amounts that may be added to sales prices because of the tax.

(B) The tax authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 are exempt from the tax imposed by this article. Unprepared food items eligible for purchase with United States Department of Agriculture food coupons are exempt from the tax imposed pursuant to this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(C) A taxpayer required to remit taxes under Article 13, Chapter 36 of Title 12 must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(D) A utility is required to report sales in the county in which the consumption of the tangible personal property occurs.

(E) A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county, must separately report in his sales tax return the total gross proceeds from business done in each county.

(F) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this article in a county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this article if a verified copy of the contract is filed with the

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Department of Revenue within six months after the imposition date of the sales and use tax provided for in this article.

(G) Notwithstanding the imposition date of the sales and use tax authorized pursuant to this chapter, with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this article is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 4-10-1050. The Department of Revenue shall furnish data to the State Treasurer and to the county treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-1060. Annually, and only in the month of June, funds collected by the Department of Revenue from the county green space sales tax, which are not identified as to the governmental unit due the tax, must be transferred, after reasonable effort by the Department of Revenue to determine the appropriate governmental unit, to the State Treasurer's Office. The State Treasurer shall distribute these funds to the county treasurer in the county area in which the tax is imposed, and the revenues must be only used for the purposes stated in the enacting ordinance. The State Treasurer shall calculate this supplemental distribution on a proportional basis, based on the current fiscal year's county area revenue collections."

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

Amend the bill further, beginning on page 1, by striking line 26 through line 12 on page 3, and inserting:

/ Whereas, South Carolina is blessed with a broad array of natural resources, from the Blue Ridge Escarpment in the Upstate, to the sandhills of the Midlands, to the farmland and woodlands of the Pee Dee, and to the iconic shoreline and marshes of the coastal plain; and

Whereas, South Carolina's coastal geography consists of 187 miles of oceanfront shoreline and 2,876 miles of tidal shorelines, and includes 500,000 acres of salt marshes that represent twenty percent of all the salt marshes on the United States' Atlantic coast, all of which underpin extensive recreational and commercial fisheries, thriving coastal tourism, important maritime industries, and critical natural defenses for people against storms; and

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Whereas, South Carolina's Upstate consists of the 10,000 acre Mountain Bridge Wilderness Area that encompasses the Blue Ridge Escarpment and its vast array of waterfalls, hardwood forests, headwaters, and mountain streams, as well as a diversity of plant and animal life, including the exceptionally rare and endangered bunched arrowhead; and

Whereas, South Carolina's Midlands region is home to the sandhills and longleaf pine habitat, which supports over 30 threatened or endangered plant and animal species, including red-cockaded woodpecker; and

Whereas, South Carolina's Pee Dee is a region with rich geographic variations, including deep woodlands, a patchwork of timber forests and agricultural fields, black-water swamps and creeks that intermingle with red rivers and high bluffs, historic sites, and one of the most productive agricultural areas in the state; and

Whereas, the quality of life of all South Carolinians is tied to conservation, with homes, businesses, and recreation being drawn to areas with abundant and accessible green space and natural areas; and

Whereas, according to the Census Bureau, South Carolina is the tenth-fastest-growing state in the nation, and in particular, the State contains a number of the fastest-growing metropolitan areas in the nation, including Myrtle Beach, York County, and Charleston, and is projected in the coming years to continue experiencing steady population growth and the expansion of urban and suburban land uses; and

Whereas, studies conducted by City Explained suggest that the amount of developed land in some regions of South Carolina will increase by 250% by 2040 if current development trends continue; and

Whereas, although this rapid growth will bring prosperity and new opportunities to South Carolina, it will also put additional pressures on our State's lands and waters, in that the development and the accompanying infrastructure will result in the destruction of natural wetlands, marshes, headwaters, and other waterways, thereby hampering the functioning of these systems and eliminating valuable and effective natural storm protection and flood abatement, and fish and wildlife habitat; and

Whereas, this growth increases the amount of impervious surfaces throughout our State, which in turn creates new runoff and carries pollutants into our waterways. For example, a 2019 study found that development in the Town of Bluffton has increased levels of fecal coliform in the May River 3,150% since 1999 and Upstate studies found that sediment from land development is a leading cause of water quality

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degradation, resulting in flooding, increased costs for drinking water treatment, and harm to aquatic life; and

Whereas, there are significant economic benefits that result from protecting land, including tourism and recreation; and

Whereas, farmland protection helps promote agritourism and boost the local food economy, as demonstrated by a 2013 SC Department of Agriculture study that found that if every South Carolina resident purchased \$5 worth of food each week directly from a farmer in the State the potential impact would be about \$1.2 billion; and

Whereas, the Southeast United States coast has experienced some of the highest rates of sea-level rise and coastal flooding in the world, with some areas losing as much as three feet of bank each year, and additional sea-level rises and coastal flooding will adversely impact existing residential and commercial uses on our State's coast and has been cited by the United States Department of Defense as a threat to the viability of the Marine Corps Recruit Depot Parris Island, which employs 6,100 people and has an annual economic impact of \$739.8 million; and

Whereas, flooding has significantly affected South Carolina's inland communities, with over 80 dam failures from 2015 to 2018 resulting from extreme weather and flooding that our riverine systems and floodplains were unable to attenuate, leading to significant impacts on transportation and drinking water infrastructure and the loss of homes, livelihoods, and lives; and

Whereas, the topography of our state, whether the low-lying topography of our coastal areas or the small incised streams of the Upstate prone to flash flooding and erosion, our State's development patterns makes our communities highly vulnerable to inland and riverine flooding if the flow of rainwater runoff is greater than the carrying capacities of the natural drainage systems, and over the past six years, major flooding and storm events have caused over one billion dollars in total damages to residential and commercial properties and have imposed substantial burdens on South Carolina taxpayers through General Fund disbursements; and

Whereas, an effective way to avoid incurring such liabilities is to limit development within the floodplain and in areas that are at significant risk from sea level rise and flooding, and there is a need to empower local governments to undertake land preservation efforts that are supportive of, respectful to, and consistent with the principle of private property rights, as opposed to limiting them to the use of traditional land use regulations, which, in order to attain the necessary level of relief, could give rise to inverse condemnation claims; and

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Whereas, counties in South Carolina have implemented local land conservation programs, including, but not limited to, Beaufort County's Rural and Critical Lands Program, Charleston County's Greenbelt Program, Greenville County's Historic and Natural Resources Trust Initiative, the Oconee County Conservation Bank, and extensive parks and greenspace funding efforts in York County, indicating that such programs enjoy overwhelming public support in all corners of the State. Now, therefore, /

Renumber sections to conform.  
Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (DG\152C004.NBD.DG21), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 4-10-1030(C) and inserting:

/ (C) Amounts collected in excess of the required net proceeds must first be applied, if applicable, to complete the preservation procurements for which the tax was imposed. /

Renumber sections to conform.  
Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 43; Nays 1**

**AYES**

|           |             |          |
|-----------|-------------|----------|
| Adams     | Alexander   | Allen    |
| Bennett   | Campsen     | Cash     |
| Climer    | Corbin      | Cromer   |
| Davis     | Fanning     | Gambrell |
| Garrett   | Goldfinch   | Grooms   |
| Gustafson | Harpootlian | Hembree  |

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|                         |          |                       |
|-------------------------|----------|-----------------------|
| Hutto                   | Jackson  | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell | Kimpson               |
| Leatherman              | Loftis   | Malloy                |
| Martin                  | Massey   | Matthews              |
| McElveen                | Peeler   | Rice                  |
| Sabb                    | Scott    | Senn                  |
| Setzler                 | Shealy   | Stephens              |
| Talley                  | Turner   | Williams              |
| Young                   |          |                       |

**Total--43**

**NAYS**

Verdin

**Total--1**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 224 -- Senators Shealy, McLeod, Hutto, Jackson, McElveen, Matthews and Adams: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100 OF THE 1976 CODE, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND TO REPEAL SECTION 16-15-110 OF THE 1976 CODE, RELATING TO PROSTITUTION VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

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**Ayes 43; Nays 1**

**AYES**

|             |                       |                         |
|-------------|-----------------------|-------------------------|
| Alexander   | Allen                 | Bennett                 |
| Campsen     | Cash                  | Climer                  |
| Corbin      | Cromer                | Davis                   |
| Fanning     | Gambrell              | Garrett                 |
| Goldfinch   | Grooms                | Gustafson               |
| Harpootlian | Hembree               | Hutto                   |
| Jackson     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell    | Kimpson               | Leatherman              |
| Loftis      | Malloy                | Martin                  |
| Massey      | Matthews              | McElveen                |
| Peeler      | Rice                  | Sabb                    |
| Scott       | Senn                  | Setzler                 |
| Shealy      | Stephens              | Talley                  |
| Turner      | Verdin                | Williams                |
| Young       |                       |                         |

**Total--43**

**NAYS**

Adams

**Total--1**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 230 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 16-3-2020(G) OF THE 1976 CODE, RELATING TO TRAFFICKING VICTIMS WHO ARE MINORS, TO PROVIDE THAT MINORS ENGAGED IN COMMERCIAL SEXUAL ACTIVITY OR TRAFFICKING ARE PRESUMED TO BE DOING SO UNDER COERCION OR AS THE RESULT OF A REASONABLE FEAR OF A THREAT, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE OF THESE VICTIMS, AND TO PROVIDE FOR EXPUNGEMENT FOR THESE VICTIMS.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD0230.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 16-3-2010(7) of the 1976 Code is amended to read:

“(7) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person performing the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by any person:

- (a) criminal sexual conduct pursuant to Section 16-3-651;
- (b) criminal sexual conduct in the first degree pursuant to Section 16-3-652;
- (c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;
- (d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;
- (e) criminal sexual conduct with a minor pursuant to Section 16-3-655;
- (f) engaging a child for sexual performance pursuant to Section 16-3-810;
- (g) producing, directing, or promoting sexual performance by a child pursuant to Section 16-3-820;
- (h) sexual battery pursuant to Section 16-3-651;
- (i) sexual conduct pursuant to Section 16-3-800; ~~or~~
- (j) sexual performance pursuant to Section 16-3-800;
- (k) sexual exploitation of a minor pursuant to Section 16-15-395, 16-15-405, or 16-15-410; or
- (l) promoting or participating in prostitution of a minor pursuant to Section 16-15-415 or 16-15-425.”

SECTION 2. Sections 16-3-2020(F) and (G) of the 1976 Code are amended to read:

“(F) In a prosecution or adjudication of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution or adjudication, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted or adjudicated delinquent of a violation of this article, ~~or prostitution, or any other non-violent offense~~ may motion the



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court to vacate the conviction or adjudication and expunge the record of the conviction or adjudication for an offense committed as a direct result of, or incidental or related to, trafficking. The court may grant the motion on a finding ~~that the person's participation in the offense was a direct result of being a victim by a preponderance of the evidence that the person's participation in the offense was a direct result of, or incidental to, being a victim of trafficking.~~ For any hearing scheduled pursuant to this subsection, the alleged victim of trafficking must file reasonable notice with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights.

(G) If the victim was a minor at the time of the offense, the victim of trafficking in persons may not be prosecuted in court or adjudicated delinquent pursuant to this article or a prostitution offense, ~~if it is determined after investigation that the victim committed the offense as a direct result of, or incidental or related to, trafficking."~~

SECTION 3. The rights delineated under SECTION 2 of this act shall apply retroactively.

SECTION 4. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

### **OBJECTION**

S. 591 -- Senators Hutto and Shealy: A BILL TO AMEND SECTION 20-1-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MINIMUM AGE A PERSON MAY ENTER INTO MARRIAGE, SO AS TO PROVIDE THAT A MARRIAGE ENTERED INTO BY AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS VOID AB INITIO; TO AMEND SECTION 20-1-290, RELATING TO THE WILFUL FAILURE OF THE LICENSE-ISSUING OFFICER TO COMPLY WITH LAWS RELATED TO THE ISSUANCE OF MARRIAGE LICENSES, SO AS TO REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; TO REPEAL SECTION 20-1-250 RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO APPLICANTS

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BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN WITH PARENTAL OR GUARDIAN CONSENT, AND SECTION 20-1-260 RELATING TO THE PROOF OF AGE REQUIRED FOR A MINOR APPLICANT.

The Senate proceeded to a consideration of the Bill.

Senator SENN explained the Bill.

Senator GROOMS objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3354 -- Rep. Ballentine: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT A RENEWABLE ENERGY RESOURCE PROPERTY HAVING A NAMEPLATE CAPACITY OF AND OPERATING AT NO GREATER THAN TWENTY KILOWATTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\3354C001.NBD.DG21), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 12-37-220(B)(11)(e) of the 1976 Code, as last amended by Act 145 of 2020, is amended further to read:

“(e) all property of nonprofit housing corporations or instrumentalities of these corporations when the property is devoted to providing housing to low or very low income residents. A nonprofit housing corporation or its instrumentality must satisfy the safe harbor provisions of Revenue Procedure 96-32 issued by the Internal Revenue Service for this exemption to apply. For purposes of this subitem, property of nonprofit housing corporations or instrumentalities of these corporations includes all leasehold interests in ~~and improvements to~~ property owned by an entity that provides housing accommodations to persons of low or very low income, and in which a wholly owned affiliate or wholly owned instrumentality of a nonprofit housing corporation is the general partner, managing member, or the equivalent. However, the exemption allowed by this subitem only applies if the property of nonprofit housing corporations or instrumentalities of these corporations

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satisfies the safe harbor provisions of Revenue Procedure 96-32 issued by the Internal Revenue Service;" /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the Bill.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|                         |             |                       |
|-------------------------|-------------|-----------------------|
| Adams                   | Alexander   | Allen                 |
| Bennett                 | Campsen     | Cash                  |
| Climer                  | Corbin      | Cromer                |
| Davis                   | Fanning     | Gambrell              |
| Garrett                 | Goldfinch   | Grooms                |
| Gustafson               | Harpootlian | Hembree               |
| Hutto                   | Jackson     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell    | Kimpson               |
| Leatherman              | Loftis      | Malloy                |
| Martin                  | Massey      | Matthews              |
| McElveen                | McLeod      | Peeler                |
| Rice                    | Sabb        | Scott                 |
| Senn                    | Setzler     | Shealy                |
| Stephens                | Talley      | Turner                |
| Verdin                  | Williams    | Young                 |

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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**READ THE SECOND TIME**

H. 3482 -- Reps. Stavrinakis, Kirby, Pendarvis, J. Moore, Henegan, Wetmore, Weeks, Wheeler and Henderson-Myers: A BILL TO AMEND SECTION 12-45-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTALLMENT PAYMENTS OF PROPERTY TAX, SO AS TO AUTHORIZE A COUNTY TO ESTABLISH AN ALTERNATIVE PAYMENT SCHEDULE.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|                         |             |                       |
|-------------------------|-------------|-----------------------|
| Adams                   | Alexander   | Allen                 |
| Bennett                 | Campsen     | Cash                  |
| Climer                  | Corbin      | Cromer                |
| Davis                   | Fanning     | Gambrell              |
| Garrett                 | Goldfinch   | Grooms                |
| Gustafson               | Harpootlian | Hembree               |
| Hutto                   | Jackson     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell    | Kimpson               |
| Leatherman              | Loftis      | Malloy                |
| Martin                  | Massey      | Matthews              |
| McElveen                | McLeod      | Peeler                |
| Rice                    | Sabb        | Scott                 |
| Senn                    | Setzler     | Shealy                |
| Stephens                | Talley      | Turner                |
| Verdin                  | Williams    | Young                 |

**Total--45**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

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**OBJECTION**

H. 3575 -- Reps. Fry, Collins, Elliott, Kirby, Forrest, W. Newton, McGarry, B. Newton, Hosey, Caskey, Herbkersman, Martin, M.M. Smith, Wheeler, Brittain, Hewitt, Erickson, Bradley, Henderson-Myers, Stavrinakis, Davis and Kimmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-45 SO AS TO ALLOW A QUALIFYING RETAILER TO OFFER CURBSIDE DELIVERY OR PICKUP SERVICE OF BEER OR WINE AND TO PROVIDE LIMITATIONS; AND TO AMEND SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURB SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO MAKE CONFORMING CHANGES.

Senator MALLOY objected to further consideration of the Bill

**READ THE SECOND TIME**

H. 3605 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 11-11-90 RELATING TO MEETINGS OF APPROPRIATION COMMITTEES.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 43; Nays 1**

**AYES**

|             |                       |                         |
|-------------|-----------------------|-------------------------|
| Adams       | Alexander             | Allen                   |
| Bennett     | Campsen               | Cash                    |
| Climer      | Corbin                | Cromer                  |
| Davis       | Fanning               | Gambrell                |
| Garrett     | Goldfinch             | Gustafson               |
| Harpootlian | Hembree               | Hutto                   |
| Jackson     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell    | Kimpson               | Leatherman              |
| Loftis      | Malloy                | Martin                  |
| Massey      | Matthews              | McElveen                |
| McLeod      | Peeler                | Sabb                    |
| Scott       | Senn                  | Setzler                 |
| Shealy      | Stephens              | Talley                  |

**THURSDAY, MAY 6, 2021**

Turner  
Young

Verdin

Williams

**Total--43**

**NAYS**

Rice

**Total--1**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3694 -- Reps. Atkinson, Hardee, Hewitt, Fry, Brittain, Hayes, McGinnis, R. Williams, V.S. Moss, Lowe, Bryant, Forrest and Anderson: A BILL TO AMEND SECTION 50-11-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEAR HUNTING, SO AS TO ALLOW FOR THE USE OF BAIT WHEN HUNTING BEAR IN GAME ZONE 4 DURING A CERTAIN TIME PERIOD.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (3694R001.GEC), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 50-11-430(B) of the 1976 Code is amended to read:

“(B) In Game Zones 2, 3, and 4 where the department declares an open season, the department shall determine an appropriate quota of ~~tags to be issued~~ bears to be harvested in each game zone, or county within a game zone, and shall further promulgate regulations necessary to properly control the harvest of bear. The department may close an open season at any time, provided that the department gives at least twenty-four hours’ notice to the public of the closure.”

SECTION 2. Section 50-11-430(D) of the 1976 Code is amended to read:

~~“(D) In order to properly implement the provisions of subsections (B) and (C), any~~ Any bear taken must be tagged with a valid bear tag and

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reported by midnight of the day of the harvest to the department as prescribed. The tag must be attached to the bear as prescribed by the department before being moved from the point of kill.”

SECTION 3. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-450. (A) For the purposes of this section, ‘unprocessed bait’ means any natural food item harvested from a plant crop that is not modified from its raw components. Unprocessed bait includes unmodified grains, fruits, nuts, and vegetables.

(B) Notwithstanding Section 50-11-430(E)(8) and Section 50-11-440, a person may take a bear with the aid or use of unprocessed bait, including over an area with unprocessed bait, on private land in Game Zone 4.”

SECTION 4. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|                         |             |                       |
|-------------------------|-------------|-----------------------|
| Adams                   | Alexander   | Allen                 |
| Bennett                 | Campsen     | Cash                  |
| Climer                  | Corbin      | Cromer                |
| Davis                   | Fanning     | Gambrell              |
| Garrett                 | Goldfinch   | Grooms                |
| Gustafson               | Harpoottian | Hembree               |
| Hutto                   | Jackson     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell    | Kimpson               |
| Leatherman              | Loftis      | Malloy                |
| Martin                  | Massey      | Matthews              |
| McElveen                | McLeod      | Peeler                |
| Rice                    | Sabb        | Scott                 |
| Senn                    | Setzler     | Shealy                |
| Stephens                | Talley      | Turner                |

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Verdin

Williams

Young

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**OBJECTION**

H. 3696 -- Reps. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

Senator HEMBREE objected to consideration of the Bill.

**READ THE SECOND TIME**

H. 3786 -- Reps. G.M. Smith, Murphy and Weeks: A BILL TO AMEND SECTION 1-1-1210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ANNUAL SALARIES OF STATE CONSTITUTIONAL OFFICERS, SO AS TO PROVIDE THAT BEGINNING WITH FISCAL YEAR 2022-2023 SALARIES FOR THE STATE CONSTITUTIONAL OFFICERS MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; TO AMEND SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT THE AGENCY HEAD SALARY COMMISSION MUST MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR THE



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SALARIES FOR STATE CONSTITUTIONAL OFFICERS; AND TO AMEND SECTION 8-11-165, RELATING TO SALARY AND FRINGE BENEFIT SURVEYS, SO AS TO PROVIDE THAT SALARY SURVEYS BE CONDUCTED FOR STATE CONSTITUTIONAL OFFICERS.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator CROMER asked unanimous consent to make a motion to give the Bill a second reading and to take up further amendments pursuant to the provisions of Rule 26B. There was no objection.

**COMMITTEE AMENDMENT ADOPTED  
AMENDMENT PROPOSED, CARRIED OVER**

H. 3865 -- Reps. Wetmore, Hewitt, Cogswell, Bustos, Anderson, Stavrinakis, Bennett, Erickson and Bradley: A BILL TO AMEND SECTION 50-21-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (3865R001.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 10 through 26 and inserting:

/ (C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located in any one five-mile radius on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen

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dollars. An ordinance adopted pursuant to this subsection must not apply to watercraft:

(a) moored to a dock or marina berth with permission from the dock or berth owner;

(b) moored to a mooring buoy that is permitted by the Department of Health and Environmental Control with permission from the buoy owner, or

(c) moored to a mooring buoy with permission from the buoy owner, provided that the buoy is in the location as it existed on public waters on June 30, 2021.

(2) Notwithstanding Section 5-7-140(B), the corporate limits of any municipality bordering on the high-water mark of a navigable body of water, other than the Atlantic Ocean, are extended to the center of the channel of the navigable body of water for the sole purpose of enforcing an ordinance adopted pursuant to this subsection. /

Amend the bill further, as and if amended, by striking SECTION 2 in its entirety and inserting:

/SECTION 2. This act takes effect on July 1, 2021. /

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator KIMBRELL proposed the following amendment (3865R002.SP.JK) which was proposed:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION \_\_. Section 50-23-20 of the 1976 Code is amended to read:

“Section 50-23-20. Any watercraft ~~or~~ and outboard motor, ~~or both,~~ held or principally used in this State must be dually titled by the department. An owner of a watercraft ~~or~~ and outboard motor titled in this State must notify the department within thirty days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.”

SECTION \_\_. Section 50-23-35 of the 1976 Code is amended to read:

“Section 50-23-35. (A) No dual title for a watercraft ~~or~~ and outboard motor may be issued by the department if currently titled in this State or

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titled or registered in another state unless it is accompanied by a receipt from the applicant's appropriate county official stating payment of ad valorem taxes due for the tax year in which the ownership was initiated has been paid. Applications submitted more than one year after ownership was initiated must be accompanied by paid tax receipts for all subsequent years up to the date the application was accepted by the department.

(B) A dual title for a watercraft ~~or~~ and outboard motor sold by a permitted marine dealer is exempt from the requirement for a paid tax receipt and may be titled by the department without the receipt indicating ad valorem taxes have been paid. The department must transmit daily a list of the titles and certificates of registration issued under this exemption to the respective county official for collection of ad valorem taxes.

(C) No receipt is required for a watercraft ~~or~~ and outboard motor designated as exempt from ad valorem taxes by the appropriate county official, provided that each county makes such a determination when a watercraft ~~or~~ and outboard motor is dually titled in their respective county.”

SECTION \_\_\_. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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. /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

On motion of Senator GROOMS, the Bill was carried over.

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**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3899 -- Reps. Elliott, G.R. Smith, Erickson, Herbkersman, Daning, Taylor, Hixon, Bennett, Willis, Bannister, Morgan, Stringer, Haddon, Burns, B. Cox, Huggins, B. Newton, Fry and McGarry: A BILL TO AMEND SECTION 12-6-3790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONAL NEEDS CHILD TAX CREDIT, SO AS TO PROVIDE HOW THE PROCEEDS OF THE FUND MUST BE ADMINISTERED, TO INCREASE THE AMOUNT THE PUBLIC CHARITY MAY EXPEND FOR ADMINISTRATION COSTS TO EIGHT PERCENT; TO APPROPRIATE TWELVE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION SO THE DEPARTMENT MAY MAKE A DONATION OF TWELVE MILLION DOLLARS TO EXCEPTIONAL SC; AND TO REMOVE A PROVISION THAT REQUIRES A SCHOOL TO PROVIDE CERTAIN INDIVIDUAL STUDENT TEST SCORES IN ITS APPLICATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG3899C001.NBD.DG21), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking lines 31-34 and inserting:

/ (5) By January fifteenth of each year, the ~~department~~ public charity shall report to the Chairman of the Senate

Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor: /

Renumber sections to conform.

Amend title to conform.

The question being the second reading of the Bill.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading and to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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**OBJECTION**

H. 4006 -- Reps. G.M. Smith and Weeks: A BILL TO AMEND SECTION 2.B. OF ACT 167 OF 2020, RELATING TO AN INCREASED LIMIT FOR CERTAIN OFF-PREMISES SALES, SO AS TO EXTEND THE INCREASE UNTIL MAY 31, 2022.

Senator MALLOY objected to consideration of the Bill.

**OBJECTION**

H. 4017 -- Reps. Simrill, Pope, Weeks, W. Cox and Hill: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2020, TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES, AND TO PROVIDE FOR THE TAX TREATMENT OF THE PAYCHECK PROTECTION PROGRAM AND CERTAIN EXPENSES AS PROVIDED FOR IN THE FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2021.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the amendment.

Senator HARPOOTLIAN objected to further consideration of the Bill.

**Expression of Personal Interest**

Senator K. JOHNSON rose for an Expression of Personal Interest.

**ADOPTED**

S. 792 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE JUNE 6-13, 2021 AS SOUTH CAROLINA BOATING AND FISHING WEEK AND TO COMMEND THE SOUTH CAROLINA BOATING AND FISHING ALLIANCE ON A SUCCESSFUL START TO ITS ORGANIZATION.

The Resolution was adopted, ordered sent to the House.

S. 794 -- Senators Goldfinch and Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME APPROXIMATELY FIFTEEN MILES

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OF PLEASANT HILL DRIVE FROM ITS INTERSECTION WITH COUNTY LINE ROAD TO ITS INTERSECTION WITH NORTH FRASER STREET IN GEORGETOWN COUNTY “A. LANE CRIBB HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**RECALLED**

H. 3444 -- Reps. Lucas, McGarry, Burns, Haddon, Pope, McCravy, Forrest, Hosey, Caskey, McGinnis, Hixon, Hewitt, Bailey, W. Newton, Herbkersman, J.E. Johnson, Brittain, Erickson, Bradley, B. Newton, Fry, Crawford, S. Williams, Taylor, Huggins, Bryant, Blackwell and M.M. Smith: A BILL TO AMEND SECTION 7-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION, COMPOSITION, POWERS, AND DUTIES OF THE STATE ELECTION COMMISSION, SO AS TO RECONSTITUTE THE STATE ELECTION COMMISSION AND REVISE THE COMMISSION’S COMPOSITION, POWERS, AND DUTIES; AND TO AMEND SECTIONS 7-17-70 AND 7-17-220, BOTH RELATING TO MEETINGS OF THE STATE BOARD, SO AS TO MAKE CONFORMING CHANGES.

Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**MOTION ADOPTED**

At 12:42 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

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**H. 3011--FREE CONFERENCE POWERS GRANTED  
FREE CONFERENCE COMMITTEE APPOINTED  
REPORT OF THE COMMITTEE OF FREE CONFERENCE  
ADOPTED**

H. 3011 -- Reprs. West, G.M. Smith, Simrill, B. Newton, Wooten, McGarry, Bryant, Haddon, Long, Pope, Gilliam, Hosey, Oremus, Caskey, Hardee, Yow, Atkinson and Martin: A BILL TO AMEND SECTION 56-5-1810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING A MOTOR VEHICLE TO BE DRIVEN UPON THE RIGHT HALF OF A ROADWAY, SO AS TO PROVIDE RESTRICTIONS ON DRIVING A MOTOR VEHICLE ON A ROADWAY HAVING AT LEAST TWO LANES ALLOWING MOVEMENT IN THE SAME DIRECTION, PROVIDE A PENALTY, AND DIRECT THE DEPARTMENT OF TRANSPORTATION TO PLACE SIGNS ALONG THE INTERSTATE HIGHWAYS DIRECTING SLOWER TRAFFIC TO MOVE RIGHT.

On motion of Senator BENNETT, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator BENNETT spoke on the report.

**H. 3011--Free Conference Powers Granted  
Free Conference Committee Appointed**

Senator BENNETT asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators BENNETT, McELVEEN and TURNER were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 1**

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**AYES**

|                       |                         |           |
|-----------------------|-------------------------|-----------|
| Alexander             | Allen                   | Bennett   |
| Campsen               | Cash                    | Climer    |
| Corbin                | Cromer                  | Davis     |
| Fanning               | Gambrell                | Garrett   |
| Goldfinch             | Grooms                  | Gustafson |
| Harpootlian           | Hembree                 | Hutto     |
| <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> | Kimbrell  |
| Kimpson               | Leatherman              | Loftis    |
| Malloy                | Martin                  | Massey    |
| Matthews              | McElveen                | McLeod    |
| Peeler                | Rankin                  | Rice      |
| Sabb                  | Scott                   | Senn      |
| Setzler               | Shealy                  | Stephens  |
| Talley                | Turner                  | Verdin    |
| Williams              | Young                   |           |

**Total--44**

**NAYS**

Adams

**Total--1**

On motion of Senator BENNETT, the Report of the Committee of Free Conference to H. 3011 was adopted as follows:

**H. 3011 -- Free Conference Report**

The General Assembly, Columbia, S.C., May 5, 2021

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

H. 3011 -- Reps. West, G.M. Smith, Simrill, B. Newton, Wooten, McGarry, Bryant, Haddon, Long, Pope, Gilliam, Hosey, Oremus, Caskey, Hardee, Yow, Atkinson and Martin: A BILL TO AMEND SECTION 56-5-1810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING A MOTOR VEHICLE TO BE DRIVEN UPON THE RIGHT HALF OF A ROADWAY, SO AS TO PROVIDE RESTRICTIONS ON DRIVING A MOTOR VEHICLE ON A ROADWAY HAVING AT LEAST TWO LANES ALLOWING MOVEMENT IN THE SAME DIRECTION, PROVIDE A PENALTY, AND DIRECT THE DEPARTMENT OF TRANSPORTATION TO



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**PLACE SIGNS ALONG THE INTERSTATE HIGHWAYS  
DIRECTING SLOWER TRAFFIC TO MOVE RIGHT.**

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 13, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-1885. (A) A vehicle may not be driven in the farthest left-hand lane of a controlled access highway except when overtaking and passing another vehicle.

(B) Subsection (A) of this section does not apply:

(1) when no other vehicle is directly behind the vehicle in the left lane;

(2) when traffic conditions and congestion make it impractical to drive in the right lane;

(3) when snow and other inclement weather conditions make it safer to drive in the left lane;

(4) when obstructions or hazards exist in the right lane;

(5) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(6) to law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations;

(7) when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to another vehicle overtaking or passing his vehicle to the right; or

(8) when a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right.

(C) Nothing in this section shall limit the Department of Transportation’s ability to establish and delineate lane restrictions for certain types of vehicles.

(D) The Department of Transportation must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty-five miles.

(E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges

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may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender's motor vehicle insurer.

(2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

(3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

(4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

(5) A person found to be in violation of this section may bring an appeal to the court of common pleas."

SECTION 2. This act takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act. /

Amend title to conform.

/s/Sen. Sean M. Bennett

/s/Rep. Adam Michael Morgan

/s/Sen. J. Thomas McElveen III  
IV, Ph.D.

/s/Rep. John Taliaferro "Jay" West

/s/Sen. Clarence Ross Turner III  
On Part of the Senate.

/s/Rep. Rosalyn Henderson-Myers  
On Part of the House.

, and a message was sent to the House accordingly.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS  
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 304 -- Senators Climer and Fanning: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

On motion of Senator RANKIN, the Bill was carried over.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 201 -- Senator Hembree: A BILL TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, BY ADDING ARTICLE 16, TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15, CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (201R010.SP.GH), which was adopted:

Amend the bill, as and if amended, on page 5, by striking line 36 and inserting:

/consecutive years; /

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 1**

**AYES**

|                         |           |                       |
|-------------------------|-----------|-----------------------|
| Adams                   | Alexander | Allen                 |
| Campsen                 | Climer    | Corbin                |
| Cromer                  | Davis     | Fanning               |
| Gambrell                | Garrett   | Goldfinch             |
| Grooms                  | Gustafson | Harpootlian           |
| Hembree                 | Hutto     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell  | Kimpson               |
| Leatherman              | Loftis    | Malloy                |
| Martin                  | Massey    | Matthews              |
| McElveen                | McLeod    | Peeler                |
| Rankin                  | Rice      | Sabb                  |
| Scott                   | Senn      | Setzler               |
| Shealy                  | Talley    | Turner                |
| Verdin                  | Williams  | Young                 |

**Total--42**

**NAYS**

Stephens

**Total--1**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

S. 36 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH

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OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

The question being concurrence in the House amendments.

Senator CAMPSEN explained the amendments.

Senator GROOMS spoke on the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Adams     | Alexander             | Allen                   |
| Bennett   | Campsen               | Cash                    |
| Climer    | Corbin                | Cromer                  |
| Davis     | Fanning               | Gambrell                |
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell  | Kimpson               | Leatherman              |
| Loftis    | Malloy                | Martin                  |
| Massey    | Matthews              | McElveen                |
| McLeod    | Peeler                | Rankin                  |
| Rice      | Sabb                  | Scott                   |
| Senn      | Setzler               | Shealy                  |
| Stephens  | Talley                | Turner                  |
| Verdin    | Williams              | Young                   |

**Total--45**

**NAYS**

**Total--0**

On motion of Senator CAMPSEN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered

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that the title be changed to that of an Act and the Act enrolled for Ratification.

**HOUSE AMENDMENTS AMENDED  
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 425 -- Senators Alexander, McLeod, Young and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 35, TITLE 43 OF THE 1976 CODE, RELATING TO DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES CONCERNING ADULT PROTECTION, BY ADDING SECTION 43-35-87, TO AUTHORIZE BANKING INSTITUTIONS TO DECLINE CERTAIN FINANCIAL TRANSACTION REQUESTS IN CASES OF THE SUSPECTED FINANCIAL EXPLOITATION OF A VULNERABLE ADULT, AND TO DEFINE NECESSARY TERMS.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator ALEXANDER explained the House amendments.

Senator ALEXANDER proposed the following amendment (425R005.SP.TCA), which was adopted:

Amend the bill, as and if amended, on page 4, by striking line 15 and inserting:

/qualified individual shall promptly notify the agencies. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|         |           |          |
|---------|-----------|----------|
| Adams   | Alexander | Allen    |
| Bennett | Campsen   | Cash     |
| Climer  | Corbin    | Cromer   |
| Davis   | Fanning   | Gambrell |

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|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell  | Kimpson               | Leatherman              |
| Loftis    | Malloy                | Martin                  |
| Massey    | Matthews              | McElveen                |
| McLeod    | Peeler                | Rankin                  |
| Rice      | Sabb                  | Scott                   |
| Senn      | Setzler               | Shealy                  |
| Stephens  | Talley                | Turner                  |
| Verdin    | Williams              | Young                   |

**Total--45**

**NAYS**

**Total--0**

The amendment was adopted.

There being no further amendments, the Bill, as amended, was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

S. 435 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT,

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TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator BENNETT explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Adams     | Alexander             | Allen                   |
| Bennett   | Campsen               | Cash                    |
| Climer    | Corbin                | Cromer                  |
| Davis     | Fanning               | Gambrell                |
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell  | Kimpson               | Leatherman              |
| Loftis    | Malloy                | Martin                  |
| Massey    | Matthews              | McElveen                |
| McLeod    | Peeler                | Rankin                  |
| Rice      | Sabb                  | Scott                   |
| Senn      | Setzler               | Shealy                  |
| Stephens  | Talley                | Turner                  |
| Verdin    | Williams              | Young                   |

**Total--45**

**NAYS**

**Total--0**



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On motion of Senator BENNETT, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

S. 545 -- Senator Goldfinch: A BILL TO AMEND SECTION 50-13-675, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES PERMITTED IN CERTAIN BODIES OF WATER, SO AS TO ALLOW FOR THE USE OF SET HOOKS WITHIN A CERTAIN PORTION OF THE SANTEE RIVER.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CAMPSEN explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Adams     | Alexander             | Allen                   |
| Bennett   | Campsen               | Cash                    |
| Climer    | Corbin                | Cromer                  |
| Davis     | Fanning               | Gambrell                |
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell  | Kimpson               | Leatherman              |
| Loftis    | Malloy                | Martin                  |
| Massey    | Matthews              | McElveen                |
| McLeod    | Peeler                | Rankin                  |
| Rice      | Sabb                  | Scott                   |
| Senn      | Setzler               | Shealy                  |
| Stephens  | Talley                | Turner                  |
| Verdin    | Williams              | Young                   |

**Total--45**

**NAYS**

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Total--0

On motion of Senator CAMPSen, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

H. 3991 -- Reps. Rutherford, Wooten, Caskey, Thigpen, B. Cox, Elliott, Erickson, S. Williams and Rivers: A BILL TO AMEND SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HUTTO explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

|           |                       |                         |
|-----------|-----------------------|-------------------------|
| Adams     | Alexander             | Allen                   |
| Bennett   | Campsen               | Cash                    |
| Climer    | Corbin                | Cromer                  |
| Davis     | Fanning               | Gambrell                |
| Garrett   | Goldfinch             | Grooms                  |
| Gustafson | Harpootlian           | Hembree                 |
| Hutto     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell  | Kimpson               | Leatherman              |
| Loftis    | Malloy                | Martin                  |
| Massey    | Matthews              | McElveen                |
| McLeod    | Peeler                | Rankin                  |
| Rice      | Sabb                  | Scott                   |

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|          |          |        |
|----------|----------|--------|
| Senn     | Setzler  | Shealy |
| Stephens | Talley   | Turner |
| Verdin   | Williams | Young  |

**Total--45**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3094 -- Reprs. B. Cox, White, Lucas, Burns, Jones, Allison, Caskey, Chumley, Collins, Crawford, Daning, Davis, Elliott, Erickson, Felder, Forrest, Fry, Gagnon, Gatch, Gilliam, Haddon, Hardee, Hewitt, Hiott, Hixon, Huggins, Jordan, Kimmons, Ligon, Long, Magnuson, McCravy, Morgan, Murphy, B. Newton, W. Newton, Nutt, Oremus, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stringer, Taylor, Thayer, Trantham, West, Whitmire, Willis, Wooten, Yow, McGarry, Bryant, V.S. Moss, McCabe, Hosey, T. Moore, W. Cox, Bailey, Lowe, Atkinson, J.E. Johnson, Brittain, Bennett, Hyde, McGinnis, Martin and Bradley: A BILL TO AMEND SECTION 23-31-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ENACT THE "OPEN CARRY WITH TRAINING ACT" BY REVISING THE DEFINITION OF THE TERM "CONCEALABLE WEAPON" TO ALLOW A PERMIT HOLDER TO CARRY A CONCEALABLE WEAPON OPENLY ON HIS PERSON; AND TO AMEND SECTION 16-23-20, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE A PERSON WHO POSSESSES A CONCEALED WEAPON PERMIT MAY CARRY IT OPENLY ON OR ABOUT HIS PERSON IN A VEHICLE.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

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**Amendment No. 9**

Senator KIMPSON proposed the following amendment (DG\3094C001.NBD.DG21), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Chapter 31, Title 23 of the 1976 Code is amended by adding:

**“ARTICLE 11**

**Background Checks for Firearm Sales and Transfers**

Section 23-31-1110. As used in this article:

(1) ‘Firearm’ means a weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, a firearm muffler or firearm silencer, or a destructive device. The term does not include an antique firearm.

(2) ‘Licensed dealer’ means the holder of any federal firearms license under 18 U.S.C. Section 923(a).

(3) ‘Transfer’ means to sell, furnish, give, lend, deliver, or otherwise provide, with or without consideration.

(4) ‘Transferee’ means a person who receives or intends to receive a firearm in a sale or transfer.

Section 23-31-1120. For any sale or transfer of a firearm for which a licensed dealer contacts the National Instant Criminal Background Check System (NICS) to conduct a background check, a licensed gun dealer may not deliver a firearm to any transferee unless the NICS provides the licensed dealer with a unique identification number or five days have elapsed from the date the licensed dealer contacted the NICS and the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law.

Section 23-31-1130. A person who violates the provisions of this article is guilty of a Class A misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than one thousand dollars, or both.”/

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

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Senator KIMPSON spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 10**

Senator KIMPSON proposed the following amendment (DG\3094C002.NBD.DG21), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_ . Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 2

**South Carolina Background Completion Act**

Section 23-31-100. (A) For the purposes of this article, ‘firearm’ means a weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; a firearm muffler or firearm silencer; or a destructive device; but the term does not include an antique firearm. In the case of a licensed collector, the term means only curios and relics.

(B) It is unlawful for any person, or any federally licensed importer, manufacturer, or dealer, to sell, exchange, or transfer a firearm to any other person before completion of a background check through SLED and the National Instant Criminal Background Check System (NICS) established pursuant to the Section 103 of the Brady Handgun Violence Protection Act of 1993.

(C) Any person, or federally licensed importer, manufacturer, or dealer who knowingly violates subsection (B) is guilty of a felony, and upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

**Point of Quorum**

At 1:45 P.M., Senator MATTHEWS made the point that a quorum was not present. It was ascertained that a quorum was not present.

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**Call of the Senate**

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

|                         |           |                       |
|-------------------------|-----------|-----------------------|
| Adams                   | Alexander | Allen                 |
| Bennett                 | Cash      | Climer                |
| Corbin                  | Cromer    | Davis                 |
| Gambrell                | Garrett   | Goldfinch             |
| Grooms                  | Gustafson | Harpootlian           |
| Hembree                 | Hutto     | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell  | Kimpson               |
| Leatherman              | Loftis    | Malloy                |
| Martin                  | Massey    | Matthews              |
| McElveen                | McLeod    | Peeler                |
| Rankin                  | Rice      | Sabb                  |
| Scott                   | Senn      | Setzler               |
| Shealy                  | Stephens  | Talley                |
| Turner                  | Verdin    | Williams              |
| Young                   |           |                       |

A quorum being present, the Senate resumed.

Senator KIMPSON continued speaking on the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**RECESS**

At 2:00 P.M., on motion of Senator MASSEY, the Senate recessed from business until 2:30 P.M.

At 2:35 P.M., the Senate resumed.

**Call of the Senate**

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

|       |           |       |
|-------|-----------|-------|
| Adams | Alexander | Allen |
|-------|-----------|-------|

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|             |                       |                         |
|-------------|-----------------------|-------------------------|
| Bennett     | Cash                  | Climer                  |
| Corbin      | Cromer                | Davis                   |
| Fanning     | Gambrell              | Garrett                 |
| Goldfinch   | Grooms                | Gustafson               |
| Harpootlian | Hembree               | Hutto                   |
| Jackson     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell    | Kimpson               | Loftis                  |
| Malloy      | Martin                | Massey                  |
| McLeod      | Peeler                | Rankin                  |
| Rice        | Sabb                  | Senn                    |
| Setzler     | Shealy                | Stephens                |
| Talley      | Turner                | Verdin                  |
| Williams    | Young                 |                         |

A quorum being present, the Senate resumed.

**Amendment No. 11**

Senator KIMPSON proposed the following amendment (DG\3094C005.NBD.DG21), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION. \_\_\_\_ .A.Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Article 9

Background Checks for Firearm Sales and Transfers

Section 16-23-910. As used in this article:

(1) ‘Firearm’ means a weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, a firearm muffler or firearm silencer, or a destructive device. The term does not include an antique firearm.

(2) ‘Licensed dealer’ means the holder of any federal firearms license under 18 U.S.C. Section 923(a).

(3) ‘Transfer’ means to sell, furnish, give, lend, deliver, or otherwise provide, with or without consideration.

(4) ‘Transferee’ means a person who receives or intends to receive a firearm in a sale or transfer.

Section 16-23-920. For any sale or transfer of a firearm for which a licensed dealer contacts the National Instant Criminal Background Check System (NICS) to conduct a background check, a licensed gun dealer may not deliver a firearm to any transferee unless the NICS

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provides the licensed dealer with a unique identification number or five days have elapsed from the date the licensed dealer contacted the NICS and the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law.

Section 16-23-930. A person who violates the provisions of this article is guilty of a Class A misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than one thousand dollars, or both.”

B. The provisions of this SECTION are repealed upon the submission of a report by the Judicial Criminal Information Technology Committee to the General Assembly detailing recommendations for the implementation of a centralized court reporting system for all courts of the State and funds for its implementation are appropriated by the General Assembly in the annual appropriations act, however, notwithstanding when the report is submitted, this SECTION is repealed two years from the effective date of this act./

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator KIMPSON spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 16**

Senator HARPOOTLIAN proposed the following amendment (3094R025.KMM.RAH), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 23-31-215(K) of the 1976 Code is amended to read:

“(K)(1) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must also carry a duplicate copy of his permit



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identification card on his person in such a manner and in such a form that the permit identification card is visible and readable from ten feet away. The duplicate copy must include a picture of the permit holder that is visible and recognizable from ten feet away.

(2) When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

(1)(a) identifies himself as a law enforcement officer; and

(2)(b) requests identification or a driver's license from a permit holder.

(3) A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars." /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 15; Nays 28**

**AYES**

|         |          |                       |
|---------|----------|-----------------------|
| Allen   | Fanning  | Harpootlian           |
| Hutto   | Jackson  | <i>Johnson, Kevin</i> |
| Malloy  | Matthews | McElveen              |
| McLeod  | Sabb     | Scott                 |
| Setzler | Stephens | Williams              |

**Total--15**

**NAYS**

|                         |           |           |
|-------------------------|-----------|-----------|
| Adams                   | Alexander | Bennett   |
| Campsen                 | Cash      | Climer    |
| Corbin                  | Cromer    | Davis     |
| Gambrell                | Garrett   | Goldfinch |
| Grooms                  | Gustafson | Hembree   |
| <i>Johnson, Michael</i> | Kimbrell  | Loftis    |

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|        |        |        |
|--------|--------|--------|
| Martin | Massey | Peeler |
| Rankin | Rice   | Shealy |
| Talley | Turner | Verdin |
| Young  |        |        |

**Total--28**

The amendment failed.

**Amendment No. 22**

Senator HARPOOTLIAN proposed the following amendment (3094R034.SP.RAH), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. A. Section 23-31-220 of the 1976 Code is amended to read:

“Section 23-31-220. (A) Notwithstanding any provision of law to the contrary, nothing ~~Nothing~~ contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating ‘No Concealable Weapons Allowed’ shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).” /

B. Section 10-11-320 of the 1976 Code is amended to read:

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“Section 10-11-320. (A) It is unlawful for any person or group of persons to:

~~(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or~~

~~(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.~~

(B) This section does not ~~apply to prohibit~~ a person who possesses a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23 ~~from carrying or having readily accessible a firearm upon the capitol grounds or within the capitol building and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds. A person lawfully carrying a firearm is permitted to sit in the balconies of both legislative chambers while the General Assembly is in session.” /~~

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 14; Nays 30**

**AYES**

|        |             |          |
|--------|-------------|----------|
| Adams  | Alexander   | Allen    |
| Climer | Cromer      | Fanning  |
| Grooms | Harpootlian | Martin   |
| Massey | Matthews    | McElveen |
| Senn   | Shealy      |          |

**Total--14**

**NAYS**

|         |           |           |
|---------|-----------|-----------|
| Bennett | Campsen   | Cash      |
| Corbin  | Davis     | Gambrell  |
| Garrett | Goldfinch | Gustafson |

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|                |                  |          |
|----------------|------------------|----------|
| Hembree        | Hutto            | Jackson  |
| Johnson, Kevin | Johnson, Michael | Kimbrell |
| Loftis         | Malloy           | McLeod   |
| Peeler         | Rankin           | Rice     |
| Sabb           | Scott            | Setzler  |
| Stephens       | Talley           | Turner   |
| Verdin         | Williams         | Young    |

**Total--30**

The amendment failed.

**Amendment No. 23**

Senator CORBIN proposed the following amendment (3094R021.KM.TDC), which was adopted:

Amend the bill, as and if amended, on page 6, by striking lines 3 through 8 and inserting:

/ (B) A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event. The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this section. /

Re-number sections to conform.

Amend title to conform.

Senator CORBIN spoke on the amendment.

The amendment was adopted.

**Amendment No. 24**

Senator GAMBRELL proposed the following amendment (3094R035.SP.MWG), which was adopted:

Amend the bill, as and if amended, on page 4, by striking lines 30 through 31, and inserting:

/ (iv) the actual firing of the handgun in the presence of the instructor, provided that no more than twenty-five rounds may be fired; /

Re-number sections to conform.

Amend title to conform.

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Senator GAMBRELL spoke on the amendment.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator GAMBRELL spoke on the Point of Order.

Senator MARTIN spoke on the Point of Order.

Senator YOUNG spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 9**

**AYES**

|           |           |                         |
|-----------|-----------|-------------------------|
| Adams     | Alexander | Allen                   |
| Bennett   | Campsen   | Cash                    |
| Climer    | Corbin    | Cromer                  |
| Davis     | Gambrell  | Garrett                 |
| Goldfinch | Grooms    | Gustafson               |
| Hembree   | Hutto     | <i>Johnson, Michael</i> |
| Kimbrell  | Loftis    | Malloy                  |
| Martin    | Massey    | McElveen                |
| Peeler    | Rankin    | Rice                    |
| Senn      | Setzler   | Shealy                  |
| Talley    | Turner    | Verdin                  |
| Young     |           |                         |

**Total--34**

**NAYS**

|          |          |                       |
|----------|----------|-----------------------|
| Fanning  | Jackson  | <i>Johnson, Kevin</i> |
| Matthews | McLeod   | Sabb                  |
| Scott    | Stephens | Williams              |

**Total--9**

The amendment was adopted.

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**OBJECTION**

Senator MASSEY asked unanimous consent that no further amendments be placed on the desk after 3:55 P.M.

Senator MATTHEWS objected.

**Amendment No. 25**

Senator KIMBRELL proposed the following amendment (3094R038.SP.JK), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, on page 2, by striking line 22 and inserting:

/ (1) the right of a ~~public or~~ private employer to prohibit a /

Amend the bill further, as and if amended, on page 3, by striking line 3 and inserting:

/ (C) In addition to the provisions of subsection (B), a /

Amend the bill further, as and if amended, on page 4, by striking line 10 and inserting:

/ (D) Nothing in this section prevents a private employer/

Amend the bill further, as and if amended, on page 5, by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Section 23-31-520 of the 1976 Code is repealed. /

Amend the bill further, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 10-11-320 of the 1976 Code is amended to read:

“Section 10-11-320. (A) It is unlawful for any person or group of persons to:

(1) ~~carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon;~~  
or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not ~~apply to prohibit~~ a person who possesses a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23 from carrying or having readily accessible a firearm upon the capitol grounds or within the capitol building and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.” /

Renumber sections to conform.

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Amend title to conform.

Senator KIMBRELL spoke on the amendment.

On motion of Senator KIMBRELL, the amendment was withdrawn.

**Motion Adopted**

Senator MASSEY asked unanimous consent that no further amendments be placed on the desk after 4:15 P.M.

**Amendment No. 26**

Senator HEMBREE proposed the following amendment (3094R029.KMM.GH), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 16-23-50(A)(1) of the 1976 Code is amended to read:

“Section 16-23-50. (A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16-23-20, for a first offense is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both. For a second offense, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, imprisoned not more than ten years, or both. For a third or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars, imprisoned not more than fifteen years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator HEMBREE spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

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**Amendment No. 27A**

Senator HEMBREE proposed the following amendment (3094R051.KM.GH), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

~~“Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.~~

(A) A governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, then a governing body may not exercise the provisions of this subsection. Nothing in this item prevents a person or entity hosting a public protest, rally, fair, parade, festival, or other organized event from prohibiting the open carrying of a firearm during the event. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event if open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to it pursuant to this section must be event-specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event.

(C) Nothing in this section shall in any way be construed to limit, diminish, or otherwise infringe upon the exercise of a governing body’s authority as provided for in Section 23-31-220 or to preempt the enforcement of the provisions of Sections 23-31-215 and 16-23-20.

(D) A governing body may temporarily take possession of a firearm or ammunition for a violation of this section if necessary for public or officer safety. The law enforcement agency shall notify the owner when



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the firearm is available for release. If the owner fails to recover the firearm within thirty days after the notification, then the law enforcement agency may dispose of the firearm. Nothing in this item shall in any way limit the exercise by law enforcement of the seizure and confiscation of a weapon incident to a lawful arrest.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

On motion of Senator HEMBREE, the amendment was withdrawn.

**Amendment No. 28**

Senator HEMBREE proposed the following amendment (3094R027.KMM.GH), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. A.Section 23-31-215(M) of the 1976 Code is amended to read:

“(M)(1) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:

- (1)(a) law enforcement, correctional, or detention facility;
- (2)(b) courthouse or courtroom;
- (3)(c) polling place on election days;
- (4)(d) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (5)(e) school or college athletic event not related to firearms;
- (6)(f) daycare facility or preschool facility;
- (7)(g) place where the carrying of firearms is prohibited by federal law;
- (8)(h) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (9)(i) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or
- (10)(j) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A

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~~person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.~~

(2) ~~Except as provided for in item (10), a~~ A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for ~~five years~~ one year.

(3) Nothing contained in this subsection may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145.”

B. Section 23-31-220 of the 1976 Code is amended to read:

“Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating ‘No Concealable Weapons Allowed’ shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. ~~A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. A person who willfully brings a concealable weapon onto a premises or work place in violation of a posting pursuant to this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars, imprisoned not more than one year, or both, at the discretion of the court, and have his concealable weapon permit revoked for one year. In addition to other penalties provided herein, a person convicted of a second or subsequent violation of willfully bringing a concealable weapon onto a premises or work place in violation of a posting pursuant to this section must have his concealable weapon permit revoked for a period of one year. A posting that prohibits bringing a concealable weapon onto a premises or work place pursuant~~

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~~to this section does not apply to persons specified in Section 16-23-20(1). In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).” /~~

Renumber sections to conform.  
Amend title to conform.

Senator HEMBREE spoke on the amendment.  
Senator MARTIN spoke on the amendment.  
Senator CORBIN spoke on the amendment.  
Senator MATTHEWS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:  
**Ayes 39; Nays 5**

**AYES**

|                         |           |                       |
|-------------------------|-----------|-----------------------|
| Adams                   | Alexander | Allen                 |
| Bennett                 | Campsen   | Cash                  |
| Climer                  | Corbin    | Cromer                |
| Davis                   | Gambrell  | Garrett               |
| Goldfinch               | Grooms    | Gustafson             |
| Hutto                   | Jackson   | <i>Johnson, Kevin</i> |
| <i>Johnson, Michael</i> | Kimbrell  | Loftis                |
| Malloy                  | Martin    | Massey                |
| Matthews                | McLeod    | Peeler                |
| Rankin                  | Rice      | Sabb                  |
| Scott                   | Setzler   | Shealy                |
| Stephens                | Talley    | Turner                |
| Verdin                  | Williams  | Young                 |

**Total--39**

**NAYS**

|          |             |         |
|----------|-------------|---------|
| Fanning  | Harpootlian | Hembree |
| McElveen | Senn        |         |

**Total--5**

The amendment was laid on the table.

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**Amendment No. 29**

Senator McLEOD proposed the following amendment (AHB\3094C009.BH.AHB21), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_\_\_. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-245. (A) Within one year after the effective date of this section, the South Carolina Criminal Justice Academy shall create and implement a statewide law enforcement training program on interacting with citizens carrying weapons under this article.

(B) Each local law enforcement agency shall submit proof to the Criminal Justice Academy that its certified law enforcement officers have completed this program.” /

Renumber sections to conform.

Amend title to conform.

Senator McLEOD spoke on the amendment.

**Remarks to be Printed**

On motion of Senator FANNING, with unanimous consent, the remarks of Senator McLEOD, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 29; Nays 12**

**AYES**

|                         |           |           |
|-------------------------|-----------|-----------|
| Adams                   | Alexander | Bennett   |
| Campsen                 | Cash      | Climer    |
| Corbin                  | Cromer    | Davis     |
| Gambrell                | Garrett   | Goldfinch |
| Grooms                  | Gustafson | Hembree   |
| <i>Johnson, Michael</i> | Kimbrell  | Loftis    |
| Martin                  | Massey    | Peeler    |
| Rankin                  | Rice      | Senn      |
| Shealy                  | Talley    | Turner    |
| Verdin                  | Young     |           |

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**Total--29**

**NAYS**

|        |          |                       |
|--------|----------|-----------------------|
| Allen  | Fanning  | Harpootlian           |
| Hutto  | Jackson  | <i>Johnson, Kevin</i> |
| Malloy | Matthews | McLeod                |
| Sabb   | Stephens | Williams              |

**Total--12**

The amendment was laid on the table.

**Amendment No. 30**

Senator McLEOD proposed the following amendment (DG\3094C007.NBD.DG21), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. A. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-45. (A) As a condition to becoming a certified law enforcement officer after the effective date of this section, a person must undergo a mental health evaluation that must include an assessment of implicit bias. He must undergo this mental health evaluation every three years after becoming certified.

(B) As a condition to be recertified as a law enforcement officer after the effective date of this section, an officer must undergo a mental health evaluation that must include an assessment of implicit bias. He must undergo this mental health evaluation every three years after each evaluation.

(C) The evaluation must be conducted under the direction of the Law Enforcement Training Council.”

B. Section 23-23-60 of the 1976 Code is amended to read:

“Section 23-23-60. (A) At the request of any public law enforcement agency of this State the council is hereby authorized to issue certificates and other appropriate indicia of compliance and qualification to law enforcement officers or other persons trained under the provisions of this chapter. Members of the council may individually or collectively visit and inspect any training school, class, or academy dealing with present or prospective law enforcement officers, and are expected to promote the most efficient and economical program for police training, including the

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maximum utilization of existing facilities and programs for the purpose of avoiding duplication. The council may make recommendations to the director, the General Assembly, or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to training in law enforcement.

(B) All city and county police departments, sheriffs' offices, state agencies, or other employers of law enforcement officers having such officers as candidates for certification shall submit to the director, for his confidential information and subsequent safekeeping, the following:

(1) an application under oath on a format prescribed by the director;

(2) evidence satisfactory to the director that the candidate has completed high school and received a high school diploma, equivalency certificate (military or other) recognized and accepted by the South Carolina Department of Education or South Carolina special certificate;

(3) evidence satisfactory to the director of the candidate's physical fitness to fulfill the duties of a law enforcement officer including:

(a) a copy of his medical history compiled by a licensed physician or medical examiner approved by the employer;

(b) a certificate of a licensed physician that the candidate has recently undergone a complete medical examination and the results thereof;

(4) evidence satisfactory to the director that the applicant has not been convicted of any criminal offense that carries a sentence of one year or more or of any criminal offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo contendere is considered the equivalent of a conviction;

(5) evidence satisfactory to the director that the applicant does not pose a threat to law enforcement with regard to infiltration or recruitment by white supremacist groups. The director must consider evidence including, but not limited to, a review of the applicant's social media activity, in order to determine any potential risk of investigative breaches or any potential threat to the safety of law enforcement sources and personnel, restricted areas vulnerable to sabotage, and elected officials or protected persons;

(6)(a) evidence satisfactory to the director that the candidate is a person of good character. This evidence must include, but is not limited to:

(a)(i) certification by the candidate's employer that a background investigation has been conducted and the employer is of the opinion that the candidate is of good character;

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~~(b)~~(ii) evidence satisfactory to the director that the candidate holds a valid current state driver's license with no record during the previous five years for suspension of driver's license as a result of driving under the influence of alcoholic beverages or dangerous drugs, driving while impaired (or the equivalent), reckless homicide, involuntary manslaughter, or leaving the scene of an accident. Candidates for certification as state or local correctional officers may hold a valid current driver's license issued by any jurisdiction of the United States;

~~(e)~~(iii) evidence satisfactory to the director that a local credit check has been made with favorable results;

~~(d)~~(iv) evidence satisfactory to the director that the candidate's fingerprint record as received from the Federal Bureau of Investigation and South Carolina Law Enforcement Division indicates no record of felony convictions.

(b) In the director's determination of good character, the director shall give consideration to all law violations, including traffic and conservation law convictions, as indicating a lack of good character. The director shall also give consideration to the candidate's prior history, if any, of alcohol and drug abuse in arriving at a determination of good character;

~~(6)~~(7) a copy of the candidate's photograph;

~~(7)~~(8) a copy of the candidate's fingerprints;

~~(8)~~(9) evidence satisfactory to the director that the candidate's present age is not less than twenty-one years. This evidence must include a birth certificate or another acceptable document;

~~(9)~~(10) evidence satisfactory to the director of successful completion of a course of law enforcement training as established and approved by the director, and conducted at an academy or institution approved by the director, this evidence to consist of a certificate granted by the approved institution.

(C)(1) A certificate as a law enforcement officer issued by the council will expire three years from the date of issuance or upon discontinuance of employment by the officer with the employing entity or agency.

(2) Notwithstanding the provisions of item (1), a certificate may not expire if employment is discontinued because of the officer's absence from work due to a disability he sustained in that employment for which he receives workers' compensation benefits and from which he has not been authorized to return to work without restriction; provided, however, that before he may resume employment for which the certificate is required, he must complete all continuing education requirements for the period of time in which he was receiving workers' compensation benefits

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and had not been authorized to return to work. Additionally, the three-year duration of a certificate is tolled during such an absence from employment, and begins running when the officer is authorized to return to work without restriction.

(3) Prior to the expiration of the certificate, the certificate may be renewed upon application presented to the director on a form prescribed by the director. The application for renewal must be received by the director at least forty-five days prior to the expiration of the certificate.

(4) If the officer's certificate has lapsed, the council may reissue the certificate after receipt of an application and if the director is satisfied that the officer continues to meet the requirements of subsection (B)(1) through ~~(9)~~(10).

(D) The director may accept for training as a law enforcement officer an applicant who has met requirements of subsection (B)(1) through ~~(8)~~(9).” /

Renumber sections to conform.

Amend title to conform.

Senator McLEOD spoke on the amendment.

**Point of Order**

Senator MASSEY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 31**

Senator McLEOD proposed the following amendment (CM\3094C004.GT.CM21), which was ruled out of order:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION to read:

/SECTION \_\_\_\_. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-35. (A) The Race Relations Advisory Committee to the South Carolina Law Enforcement Training Council is hereby created and shall consist of five members who shall serve a one-year term that is concurrent with the terms of the eleven member Law Enforcement Training Council. Committee members may be reelected up to four consecutive years.



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(B) Membership on the Race Relations Advisory Committee shall consist of the following and where possible, represent each of the state's four geographical regions:

(1) a South Carolina attorney who is an active member of the South Carolina Bar and has a minimum of seven years' experience in civil rights law;

(2) a former South Carolina judge or justice of the Circuit Court, Appellate Court or Supreme Court, with extensive experience in civil rights cases;

(3) a racial or ethnic minority community member;

(4) a racial or ethnic minority member of a rural community;

(5) a Chief Diversity Officer of a South Carolina public university

(C) Members shall be appointed by Speaker of the House of Representatives, and may be removed for cause by the Speaker of the House.

(D) The first meeting of the Race Relations Advisory Committee shall commence within ninety days of the enactment of this law; members shall elect a chair and vice chair to begin serving on January 1, 2022. The committee shall meet at the call of the chair or at the call of the majority of the members, and shall meet no fewer than six times per year.

(E) Members shall not receive compensation, but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(F) The Committee shall conduct an independent study of current attitudes and actions of law enforcement and how these attitudes and actions are perceived by communities of color in each county or region of the State. Disparities and inconsistencies in enforcement, racial profiling practices or propensities, disparate treatment of minorities and de-escalation techniques of law enforcement also will be studied and assessed annually by the Race Relations Advisory Committee. The committee's findings, along with joint recommendations of the council and committee, will be reported to the South Carolina House of Representatives no later than January thirty-first of the following year."/

Re-number sections to conform.

Amend title to conform.

Senator McLEOD spoke on the amendment.

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**Point of Order**

Senator MASSEY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill. The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 32**

Senators GOLDFINCH, MALLOY, and CAMPSSEN proposed the following amendment (3094R042.SP.SLG), which was adopted:

Amend the bill, as and if amended, by striking Section 14-17-325(B)(4) and inserting:

/ (4) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any orders, the Court Administration must provide the form. /

Re-number sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

The amendment was adopted.

**Amendment No. 34**

Senator MALLOY proposed the following amendment (JUD3094.009), which was not adopted:

Amend the bill, as and if amended, by striking SECTIONS 2, 3, 4, 5, 6, 7 and 8 and inserting therein:

/ SECTION 2. Section 23-31-210(5) of the 1976 Code is amended to read:

"(5) 'Concealable weapon' means a firearm having a length of less than twelve inches measured along its greatest dimension that ~~must~~ may be carried openly on one's person in a shoulder or belt holster or in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property."

SECTION 3. Section 16-23-20(9) of the 1976 Code is amended to read:

"(9) a person in a vehicle if the handgun is:

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(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

(b) carried openly in a shoulder or belt holster or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;"

SECTION 4. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon or openly carrying a weapon in a shoulder or belt holster upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable or openly carried weapon upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating 'No Concealable Weapons Allowed' shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable or open carry weapons not be brought upon the premises or into the work place. A person who brings a concealable or open carry weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).

(C) In addition to the provisions of subsection (B), a public or private employer or owner of a business may post a sign regarding the

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prohibition or allowance on those premises of concealable weapons or open carrying of weapons which may be unique to that business."

SECTION 5. Section 23-31-235 of the 1976 Code is amended to read:

"Section 23-31-235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable or open carry weapon upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable or open carry weapon permit holder is prohibited from carrying a concealable or open carry weapon and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;
- (3) contain the words 'NO CONCEALABLE WEAPONS

ALLOWED' in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;

(5) a diameter of a circle; and

(6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

(1) thirty-six inches wide by forty-eight inches tall in size;

(2) contain the words 'NO CONCEALABLE WEAPONS ALLOWED' in black three-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two inches wide;

(4) placed not less than forty inches and not more than ninety-six inches above the ground;

(5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or

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allowance on those premises of concealable weapons or open carrying of weapons which may be unique to that business."

SECTION 6. Section 23-31-210(4)(a) of the 1976 Code is amended to read:

"(a) a person who, within three years before filing an application, successfully has completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; ~~and~~

(iv) the actual firing of the handgun in the presence of the instructor;

(v) properly securing a firearm in a shoulder or belt holster;

(vi) 'cocked and locked' carrying of a firearm;

(vii) how to respond to a person who attempts to take your firearm from your holster; and

(viii) deescalation techniques and strategies."

SECTION 7. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

"Section 23-31-232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article may carry a concealable weapon on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

(1) The provisions contained in this section apply:

(a) only during those times that the church has the use and enjoyment of the property pursuant to its lease with the school; and

(b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

(2) A school district may request that a church utilizing school property for its services disclose and notify the district that persons are, or may be, carrying concealed weapons on the property.

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(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school-sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun-Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are leased to a church are not considered a school during the hours that the church has the use and enjoyment of the property pursuant to this section."

SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

~~"Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.~~

(A) Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property at a public protest, demonstration, rally, fair, parade, festival, or other organized event in the county, municipality, or political subdivision. A person or entity hosting a public protest, demonstration, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to them pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or the location of the event.

(C) A county, municipality, or political subdivision may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest." /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

The amendment failed.

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**Amendment No. 36**

Senator MATTHEWS proposed the following amendment (CM\3094C001.GT.CM21), which was withdrawn:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION to read:

/SECTION \_\_\_\_ . Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-250. A person who unlawfully carries a concealable or open carry weapon in a manner for which no penalty is contained in this chapter:

(1) for a first offense is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year;

(2) for a second offense is guilty of a felony and, upon conviction, must be imprisoned not more than two years; or

(3) for a third or subsequent offense is guilty of a felony and, upon conviction, must be imprisoned not more than five years.” /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

On motion of Senator MATTHEWS, with unanimous consent, the amendment was withdrawn.

**Amendment No. 37**

Senator MATTHEWS proposed the following amendment (CM\3094C003.GT.CM21), which was not adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION to read:

/ SECTION \_\_\_\_ . Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-250. A person who unlawfully carries a concealable or open carry weapon in a manner for which no penalty is contained in this chapter:

(1) for a first offense is guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than two hundred fifty dollars, or imprisoned not more than forty-eight hours, or both;

(2) for a second offense is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars and imprisoned thirty days; or

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(3) for a third or subsequent offense is guilty of a felony and, upon conviction, must be imprisoned not more than one year.” /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.

**Amendment No. 40**

Senator MATTHEWS proposed the following amendment (AHB3094C006.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 10-11-320 of the 1976 Code is amended to read:

“Section 10-11-320. (A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not apply to:

(1) a person who possesses a concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds; or

(2) any person who possesses a concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23 when the General Assembly is in session.” /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.



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**Amendment No. 42**

Senator MATTHEWS proposed the following amendment (PH\3094C001.JN.PH21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 23-31-215(A) of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) proof of liability insurance in the name of the applicant to cover any incidents associated with the use of concealable weapon.” /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.

**Amendment No. 43**

Senator MATTHEWS proposed the following amendment (PH\3094C002.JN.PH21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 23-31-215(A) of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) proof of coverage for any incidents associated with the use of a concealable weapon on the applicant’s homeowners insurance policy.” /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 12; Nays 29**

**AYES**

|          |          |                       |
|----------|----------|-----------------------|
| Allen    | Fanning  | Harpootlian           |
| Hutto    | Jackson  | <i>Johnson, Kevin</i> |
| Matthews | McLeod   | Sabb                  |
| Scott    | Stephens | Williams              |

**Total--12**

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**NAYS**

|                         |           |           |
|-------------------------|-----------|-----------|
| Adams                   | Alexander | Bennett   |
| Campsen                 | Cash      | Climer    |
| Corbin                  | Cromer    | Davis     |
| Gambrell                | Garrett   | Goldfinch |
| Grooms                  | Gustafson | Hembree   |
| <i>Johnson, Michael</i> | Kimbrell  | Loftis    |
| Malloy                  | Martin    | Massey    |
| Peeler                  | Rice      | Senn      |
| Shealy                  | Talley    | Turner    |
| Verdin                  | Young     |           |

**Total--29**

The amendment failed.

**Amendment No. 50**

Senator MATTHEWS proposed the following amendment (AHB3094C008.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 12

Seizure of Firearms and Ammunition from a Person Posing  
a Risk of Imminent Personal Injury to Self or Others

Section 23-31-1210. A solicitor, assistant solicitor, or two law enforcement officers may file a verified complaint with any probate court, for issuance of a warrant to seize any firearms and ammunition of a person if the solicitor, assistant solicitor, or law enforcement officers have probable cause to believe that:

- (1) the person poses a risk of imminent personal injury to himself or to other individuals;
- (2) the person possesses one or more firearms; and
- (3) the firearms are within or upon any person or property.

Upon a receipt of an application that establishes the requisite grounds for the warrant as provided in Section 23-31-1220, a judge may issue a warrant commanding a proper law enforcement officer to enter into or upon such property, search the person and property, and take into the officer’s custody any and all firearms and ammunition. The solicitor,

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assistant solicitor, or law enforcement officers must not file a complaint before conducting an independent investigation and determining that probable cause exists and that there is no reasonable alternative available to prevent the person from causing imminent personal injury to himself or to others with the firearms.

Section 23-31-1220. (A) A warrant may be issued on an affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, and the affidavit must be made part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe the grounds exist, the judge shall consider:

(1) recent threats or acts of violence by the person directed toward other persons;

(2) recent threats or acts of violence by the person directed toward himself; and

(3) recent acts of cruelty to animals by the person, including acts that violate Chapter 1, Title 47.

(B) In evaluating whether any recent threats or acts of violence constitute probable cause to believe that the person poses a risk of imminent personal injury to himself or to others, the judge may consider other factors including, but not limited to:

(1) the reckless use, display, or brandishing of a firearm by the person;

(2) a history of the use, attempted use, or threatened use of physical force by the person against other persons;

(3) prior involuntary confinement of the person in a hospital for persons with psychiatric disabilities; and

(4) the illegal use of controlled substances or abuse of alcohol by the person.

Section 23-31-1230. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, the judge shall issue a warrant naming or describing the person or property to be searched. The warrant must be directed to a proper law enforcement officer, must state the grounds or probable cause for its issuance, and must command the law enforcement officer to search within a reasonable time the person or property named for any and all firearms and ammunition. A copy of the warrant must be given to the person named therein together with a notice informing the person that the person has the right to a hearing pursuant to this section and the right to be represented by counsel at the hearing.

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Section 23-31-1240. The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the probate court for the county in which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court may not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant must be executed and returned with reasonable promptness consistent with due process of law and must be accompanied by a written inventory of all firearms and ammunition seized.

Section 23-31-1250. (A) Not later than seven days after execution of the warrant pursuant to this article, the probate court for the county where the person named in the warrant resides shall hold a hearing to determine whether any seized firearms and ammunition should be returned to the person named in the warrant or should continue to be held by the State. At the hearing, the State has the burden of proving all material facts by clear and convincing evidence.

(B) If, after the hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or to other individuals, the court may order that the firearms and ammunition seized pursuant to the warrant to continue to be held by the State for a period not to exceed one year.

(C) If the court does not find clear and convincing evidence that the person poses a risk of imminent injury to himself or other individuals, the court shall order the seized firearms and ammunition to be returned to the person named in the warrant.

(D) If the court finds that the person poses a risk of imminent personal injury to himself or to other individuals, the court shall give notice to the Department of Mental Health, which may take such action pursuant to Chapters 22, 23, and 24 of Title 44, as it deems appropriate.

Section 23-31-1260. Any person whose firearms and ammunition has been ordered seized pursuant to this article, or the person's legal representative, may transfer any seized firearms and ammunition in accordance with applicable state or federal law, to any person eligible to possess the seized firearms and ammunition. The person, or the person's legal representative, may not request transfer until the court enters an order to continue to hold the seized firearms and ammunition pursuant to Section 23-31-1250(B). Upon notification in writing by the person, or the person's legal representative, and the transferee, the law enforcement agency holding the seized firearms and ammunition shall deliver the

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seized firearms and ammunition to the transferee within ten days of receiving written notification from the person, or the person's legal representative, and the transferee of the transfer request."

B. This SECTION takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 7; Nays 35**

**AYES**

|                       |             |         |
|-----------------------|-------------|---------|
| Fanning               | Harpootlian | Jackson |
| <i>Johnson, Kevin</i> | Matthews    | McLeod  |
| Stephens              |             |         |

**Total--7**

**NAYS**

|           |                         |           |
|-----------|-------------------------|-----------|
| Adams     | Alexander               | Allen     |
| Bennett   | Campsen                 | Cash      |
| Climer    | Corbin                  | Cromer    |
| Davis     | Gambrell                | Garrett   |
| Goldfinch | Grooms                  | Gustafson |
| Hembree   | <i>Johnson, Michael</i> | Kimbrell  |
| Loftis    | Malloy                  | Martin    |
| Massey    | McElveen                | Peeler    |
| Rice      | Sabb                    | Scott     |
| Senn      | Setzler                 | Shealy    |
| Talley    | Turner                  | Verdin    |
| Williams  | Young                   |           |

**Total--35**

The amendment failed.

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**Amendment No. 51**

Senator MATTHEWS proposed the following amendment (AHB3094C018.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16-23-540. (A) As used in this section:

(1) ‘Child’ means a person under eighteen years of age.

(2) ‘Firearm’ means a rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive.

(3) ‘Locked container’ means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term includes the locked utility or glove compartment of a motor vehicle.

(4) ‘Trigger-locking device’ means a device which prevents a firearm from functioning and which, when locked on the firearm, renders the firearm inoperable.

(B) A person who stores or leaves on premises under his control a firearm in a:

(1) condition that the firearm can be discharged; and

(2) manner that the person knows, or reasonably should have known that a child is likely to gain access to the firearm without the permission of the child’s parent or guardian:

(a) is guilty of child endangerment with a firearm in the first degree if a child gains access to the firearm without the lawful permission of the child’s parent or guardian and the child causes personal injury or death with the firearm not in self-defense; or

(b) is guilty of child endangerment with a firearm in the second degree if a child gains access to the firearm without the lawful permission of the child’s parent or guardian and the child:

(i) possesses the firearm in violation of Section 16-23-30;

(ii) causes the firearm to discharge;

(iii) exhibits the firearm in a public place in an angry, threatening, or careless manner; or

(iv) uses the firearm in the commission of a crime.

(C) A person who violates the provisions of:

(1) subsection (B)(2)(a) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than three years, or both; or

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(2) subsection (B)(2)(b) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(D) The provisions of this section do not apply when any of the following occur, the:

(1) child obtains the firearm as a result of an illegal entry to any premises of a person;

(2) firearm is kept in a locked container or in a location which a reasonable person would believe to be secure;

(3) firearm is carried on the person or within such close proximity that the person can readily retrieve and use the firearm as if carried on the person;

(4) firearm is locked with a trigger-locking device;

(5) child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person; or

(6) firearm is kept on any premises which is under the custody or control of a person who has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(E)(1) Upon the retail sale or transfer of a firearm, the seller shall deliver a written warning to the purchaser that states, in block letters not less than one-fourth inch in height:

‘IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY PERSON TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(2) A retail dealer who sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height:

‘IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(3) A person who knowingly violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars.”

B. This SECTION takes effect upon approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

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The amendment failed.

**Amendment No. 52**

Senator GOLDFINCH proposed the following amendment (3094R044.SP.SLG), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new item to Section 23-31-240 to read:

/ ( ) the Attorney General and assistant attorneys general. /

Re-number sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the amendment.

The amendment was adopted.

**Amendment No. 53**

Senator MATTHEWS proposed the following amendment (AHB\3094C019.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16-23-550. (A) No person, firm, or corporation shall sell, deliver, or otherwise transfer any pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock, or gun locking device appropriate for such pistol or revolver, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal. No pistol or revolver shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball, or shell when such pistol or revolver is sold, delivered, or otherwise transferred.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than more five thousand dollars or imprisoned not more than five years.” /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.



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The amendment failed.

**Amendment No. 54**

Senator MATTHEWS proposed the following amendment (CM\3094C005.GT.CM21), which was not adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/SECTION \_\_\_. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16-23-540. (A) It shall be unlawful to store or keep any firearm unless it is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, a firearm shall not be deemed stored or kept if carried by or under the control of the owner or other lawfully authorized user.

(B) A violation of the provisions of this section shall be evidence of wanton or reckless conduct in any criminal or civil proceeding if a person under the age of eighteen who was not a trespasser or was a foreseeable trespasser acquired access to a weapon, unless such person possessed a valid permit issued under Section 23-31-215 and was permitted by law to possess such weapon, and such access results in the personal injury to or the death of any person.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than five years, or both.” /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.

**Amendment No. 56A**

Senator MASSEY proposed the following amendment (3094R049.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_\_. A. Section 23-31-215(A)(5), (6), and (7) of the 1976 Code is amended to read:

“(5) proof of training; and

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(6) ~~payment of a fifty dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and~~

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant's fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.”

B. Section 23-31-215(C) of the 1976 Code is amended to read:

“(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23-31-210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23-31-210(4). ~~The course shall cost fifty dollars. SLED may not charge a fee of any kind for a concealable weapon permit.~~ SLED shall use the proceeds to defray the training course's operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety-day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

#### **Amendment No. 57**

Senator MARTIN proposed the following amendment (3094R045.SP.SRM), which was adopted:

Amend the bill, as and if amended, on page 6, by striking lines 13 through 14 and inserting:

/SECTION 9. A. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding: /

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Amend the bill further, as and if amended, on page 7, by inserting on line 3:

/B. This SECTION takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Senator MARTIN spoke on the amendment.

The amendment was adopted.

**Amendment No. 58A**

Senator MALLOY proposed the following amendment (JUD3094.011), which was not adopted:

Amend the bill, as and if amended, by striking SECTION 11 beginning on page 9, line 26 and inserting therein:

/ SECTION 11. Section 23-31-240 of the 1976 Code is amended to read:

“Section 23-31-240. Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State, ~~when carrying out the duties of their office:~~

- (1) active Supreme Court justices;
- (2) active judges of the court of appeals;
- (3) active circuit court judges;
- (4) active family court judges;
- (5) active masters-in-equity;
- (6) active probate court judges;
- (7) active magistrates;
- (8) active municipal court judges;
- (9) active federal judges;
- (10) active administrative law judges;
- (11) active solicitors and assistant solicitors; ~~and~~
- (12) active public defenders and assistant public defenders;
- (13) active members and officers of the South Carolina Senate and House of Representatives; and
- (14) active workers' compensation commissioners.”

Re-number sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

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The amendment failed.

**Amendment No. 59**

Senator MATTHEWS proposed the following amendment (CM\3094C006.GT.CM21), which was not adopted:

Amend the bill, as and if amended, SECTION 8, Section 23-31-520(A), by deleting line 41 on page 5 and inserting:

/subdivision shall not exercise the provisions of this subsection. A /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.

**Amendment No. 60**

Senators MATTHEWS and McLEOD proposed the following amendment (AHB\3094C021.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 12

Seizure of Firearms and Ammunition from a Person Posing  
a Risk of Imminent Personal Injury to Self or Others

Section 23-31-1210. A solicitor, assistant solicitor, or two law enforcement officers may file a verified complaint with any probate court, for issuance of a warrant to seize any firearms and ammunition of a person if the solicitor, assistant solicitor, or law enforcement officers have probable cause to believe that:

(1) the person poses a risk of imminent personal injury to himself or to other individuals;

(2) the person possesses one or more firearms; and

(3) the firearms are within or upon any person or property.

Upon a receipt of an application that establishes the requisite grounds for the warrant as provided in Section 23-31-1220, a judge may issue a warrant commanding a proper law enforcement officer to enter into or upon such property, search the person and property, and take into the officer’s custody any and all firearms and ammunition. The solicitor, assistant solicitor, or law enforcement officers must not file a complaint

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before conducting an independent investigation and determining that probable cause exists and that there is no reasonable alternative available to prevent the person from causing imminent personal injury to himself or to others with the firearms.

Section 23-31-1220. (A) A warrant may be issued on an affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, and the affidavit must be made part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe the grounds exist, the judge shall consider:

(1) recent threats or acts of violence by the person directed toward other persons;

(2) recent threats or acts of violence by the person directed toward himself; and

(3) recent acts of cruelty to animals by the person, including acts that violate Chapter 1, Title 47.

(B) In evaluating whether any recent threats or acts of violence constitute probable cause to believe that the person poses a risk of imminent personal injury to himself or to others, the judge may consider other factors including, but not limited to:

(1) the reckless use, display, or brandishing of a firearm by the person;

(2) a history of the use, attempted use, or threatened use of physical force by the person against other persons;

(3) prior involuntary confinement of the person in a hospital for persons with psychiatric disabilities; and

(4) the illegal use of controlled substances or abuse of alcohol by the person.

Section 23-31-1230. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, the judge shall issue a warrant naming or describing the person or property to be searched. The warrant must be directed to a proper law enforcement officer, must state the grounds or probable cause for its issuance, and must command the law enforcement officer to search within a reasonable time the person or property named for any and all firearms and ammunition. A copy of the warrant must be given to the person named therein together with a notice informing the person that the person has the right to a hearing pursuant to this section and the right to be represented by counsel at the hearing.

Section 23-31-1240. The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant

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is based with the clerk of the probate court for the county in which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court may not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant must be executed and returned with reasonable promptness consistent with due process of law and must be accompanied by a written inventory of all firearms and ammunition seized.

Section 23-31-1250. (A) Not later than seven days after execution of the warrant pursuant to this article, the probate court for the county where the person named in the warrant resides shall hold a hearing to determine whether any seized firearms and ammunition should be returned to the person named in the warrant or should continue to be held by the State. At the hearing, the State has the burden of proving all material facts by clear and convincing evidence.

(B) If, after the hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or to other individuals, the court may order that the firearms and ammunition seized pursuant to the warrant to continue to be held by the State for a period not to exceed one year.

(C) If the court does not find clear and convincing evidence that the person poses a risk of imminent injury to himself or other individuals, the court shall order the seized firearms and ammunition to be returned to the person named in the warrant.

(D) If the court finds that the person poses a risk of imminent personal injury to himself or to other individuals, the court shall give notice to the Department of Mental Health, which may take such action pursuant to Chapters 22, 23, and 24 of Title 44, as it deems appropriate.

Section 23-31-1260. Any person whose firearms and ammunition has been ordered seized pursuant to this article, or the person's legal representative, may transfer any seized firearms and ammunition in accordance with applicable state or federal law, to any person eligible to possess the seized firearms and ammunition. The person, or the person's legal representative, may not request transfer until the court enters an order to continue to hold the seized firearms and ammunition pursuant to Section 23-31-1250(B). Upon notification in writing by the person, or the person's legal representative, and the transferee, the law enforcement agency holding the seized firearms and ammunition shall deliver the seized firearms and ammunition to the transferee within ten days of

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receiving written notification from the person, or the person's legal representative, and the transferee of the transfer request.

Section 23-31-1270. A health care professional including, but not limited to, a mental health care professional has a duty to report to the appropriate law enforcement agency and probate court when a person has a significant mental health episode in which the health care professional, in his discretion, determines there is such a mental incapacity that the person may be a danger to themselves and others. If such mental capacity is determined to exist, the appropriate law enforcement agency or probate court shall report such to the State Law Enforcement Division (SLED) within forty-eight hours of receiving such notice, and SLED shall determine if the person is a concealed weapons permit holder."

B. This SECTION takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 7; Nays 31**

**AYES**

|             |         |                       |
|-------------|---------|-----------------------|
| Harpootlian | Jackson | <i>Johnson, Kevin</i> |
| Matthews    | McLeod  | Scott                 |
| Stephens    |         |                       |

**Total--7**

**NAYS**

|           |                         |           |
|-----------|-------------------------|-----------|
| Adams     | Alexander               | Allen     |
| Bennett   | Campsen                 | Cash      |
| Climer    | Corbin                  | Cromer    |
| Davis     | Gambrell                | Garrett   |
| Goldfinch | Grooms                  | Gustafson |
| Hembree   | <i>Johnson, Michael</i> | Kimbrell  |
| Loftis    | Malloy                  | Martin    |
| Massey    | McElveen                | Peeler    |
| Rice      | Shealy                  | Talley    |

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Turner  
Young

Verdin

Williams

**Total--31**

The amendment failed.

**Amendment No. 61**

Senator CLIMER proposed the following amendment (3094R053.SP.WC), which was out of order:

Amend the bill, as and if amended, on page 1, by striking lines 40 through 41 and inserting:

/SECTION 3. Sections 16-23-20(1) and (9) of the 1976 Code are amended to read:

“(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers ~~employed as private detectives or private investigators;~~” /

Re-number sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

**Point of Order**

Senator K. JOHNSON raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MARTIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 62**

Senator RICE proposed the following amendment (3094R052.SP.RFR), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:



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/SECTION \_\_. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23-31-218. (A) A person who is at least eighteen years of age and who is not prohibited by state law from possessing a weapon may carry a concealable weapon, whether concealed or openly carried, if he has proof of training as defined in Section 23-31-210(4) and proof of a successfully completed background check as required by subsection (B).

(B) Upon receiving proof of residence, SLED must conduct or facilitate a background check of the person. SLED must provide the person with proof of the results of the background check within twenty days, along with a statement that the review and background check has revealed that the person is eligible or prohibited from possessing a weapon under state law.

(C) If, after performing the background check required by subsection (B), SLED discovers that the person has become disqualified from possessing a weapon under state law, then SLED must notify the person of the disqualification.

(D) A person who has successfully completed training and passed a background check may carry a concealable weapon statewide in all places and locations in which a concealable weapon permit holder is authorized to carry a weapon unless the person has:

- (1) become prohibited under state law from possessing a weapon;
- (2) moved his permanent residence to another state; or
- (3) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm.

(E) A person who carries a concealable weapon pursuant to this section must have the proof of training and background check in his possession whenever he carries a concealable weapon. A person carrying a concealable weapon pursuant to this section must inform a law enforcement officer of the fact that he is legally authorized to carry the concealable weapon and present his proof of training and background check when an officer:

- (1) identifies himself as a law enforcement officer; and
- (2) requests identification or a driver’s license from the person.

(F) A person may carry a concealable weapon, whether concealed or openly carried, without having successfully completed training and a background check pursuant to this article if:

- (1) specified in Section 16-23-20, items (1), (2), (3), (4), (5), (7), (8), (9), (10), or (11); or

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(2) carrying a concealable weapon in a manner not prohibited by law.

(G) A person must renew his background check at least once every five years as required by subsection (B).

(H) No provision contained within this article shall expand, diminish, or affect the duty of care owed by or the liability accruing to, as either exists immediately before July 1, 2021, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. The absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.” /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

On motion of Senator RICE, the amendment was withdrawn.

**Amendment No. 63**

Senator CROMER proposed the following amendment (3094R054.SP.RWC), which was adopted:

Amend the bill, as and if amended, on page 4, by striking lines 28 through 29, and inserting:

/ (iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty-five rounds must be fired;  
/

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

The amendment was adopted.

**Amendment No. 64**

Senator MATTHEWS proposed the following amendment (AHB\3094C022.BH.AHB21), which was not adopted:

Amend the bill, as and if amended, SECTION 5, Section 23-31-235, by adding an appropriately lettered subsection to read:

/ ( )In addition to the sign requirements pursuant to the provisions of this section, a public or private employer or owner of a business doing

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business in this State which maintains a presence on social media or maintains a website regarding the business must post in a conspicuous place on their social media and website, as appropriate, a notice that provides whether or not open carry or concealed weapons are allowed or not allowed on the premises of the business. /

Re-number sections to conform.

Amend title to conform.

Senator MATTHEWS spoke on the amendment.

The amendment failed.

**Amendment No. 66**

Senator KIMBRELL proposed the following amendment (3094R057.SP.JK), which was tabled:

Amend the bill, as and if amended, on page 2, by striking lines 20 - 23 and inserting:

/ “Section 23-31-220. (A) Except for the provisions of Section 23-31-215(M), ~~Nothing~~ nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a ~~public or~~ private employer to prohibit a /

Amend the bill further, as and if amended, on page 3, by striking line 3 and inserting:

/ (C) In addition to the provisions of subsection (B), a /

Amend the bill further, as and if amended, on page 4, by striking line 10 and inserting:

/ (D) Except for the provisions of Section 23-31-215(M), nothing in this section prevents a private employer /

Amend the bill further, as and if amended, on page 5, by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Section 23-31-520 of the 1976 Code is repealed. /

Amend the bill further, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 10-11-320 of the 1976 Code is amended to read:

“Section 10-11-320. (A) It is unlawful for any person or group of persons to:

(1) ~~carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon;~~  
of

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(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not ~~apply to prohibit~~ a person who possesses a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23 from carrying or having readily accessible a firearm upon the capitol grounds or within the capitol building and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds." /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL spoke on the amendment.

#### Point of Order

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator KIMBRELL spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HEMBREE spoke on the amendment.

Senator VERDIN spoke on the amendment.

Senator KIMBRELL spoke on the amendment.

#### ACTING PRESIDENT PRESIDES

Senator CASH assumed the Chair.

Senator SABB spoke on the amendment.

Senator SABB moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 31; Nays 13**

#### AYES

|          |           |           |
|----------|-----------|-----------|
| Allen    | Bennett   | Campsen   |
| Cash     | Cromer    | Fanning   |
| Gambrell | Goldfinch | Gustafson |

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|             |                       |                         |
|-------------|-----------------------|-------------------------|
| Harpootlian | Hembree               | Hutto                   |
| Jackson     | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Loftis      | Malloy                | Massey                  |
| Matthews    | McElveen              | McLeod                  |
| Rankin      | Sabb                  | Scott                   |
| Senn        | Setzler               | Shealy                  |
| Stephens    | Turner                | Williams                |
| Young       |                       |                         |

**Total--31**

**NAYS**

|        |           |         |
|--------|-----------|---------|
| Adams  | Alexander | Climer  |
| Corbin | Davis     | Garrett |
| Grooms | Kimbrell  | Martin  |
| Peeler | Rice      | Talley  |
| Verdin |           |         |

**Total--13**

The amendment was laid on the table.

**PRESIDENT PRESIDES**

At 8:25 P.M., the PRESIDENT assumed the Chair.

**Amendment No. 67**

Senator SENN proposed the following amendment (3094R050.KM.SS), which was tabled:

Amend the bill, as and if amended, by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

~~“Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.~~

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(A) A governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm at a public protest, rally, fair, parade, festival, or other organized event. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs, either approved or provided by the governing body, at the event when open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event.

(C) A governing body may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest.” /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

Senator MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 28; Nays 15**

**AYES**

|           |                         |           |
|-----------|-------------------------|-----------|
| Adams     | Alexander               | Allen     |
| Bennett   | Campsen                 | Cash      |
| Climer    | Corbin                  | Cromer    |
| Davis     | Gambrell                | Garrett   |
| Goldfinch | Grooms                  | Gustafson |
| Hembree   | <i>Johnson, Michael</i> | Kimbrell  |
| Loftis    | Martin                  | Massey    |
| Peeler    | Rice                    | Shealy    |
| Talley    | Turner                  | Verdin    |
| Young     |                         |           |

**Total--28**

**NAYS**

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|                       |          |          |
|-----------------------|----------|----------|
| Harpootlian           | Hutto    | Jackson  |
| <i>Johnson, Kevin</i> | Malloy   | Matthews |
| McElveen              | McLeod   | Rankin   |
| Sabb                  | Scott    | Senn     |
| Setzler               | Stephens | Williams |

**Total--15**

The amendment was laid on the table.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 28; Nays 16**

**AYES**

|                         |           |           |
|-------------------------|-----------|-----------|
| Adams                   | Alexander | Bennett   |
| Campsen                 | Cash      | Climer    |
| Corbin                  | Cromer    | Davis     |
| Gambrell                | Garrett   | Goldfinch |
| Grooms                  | Gustafson | Hembree   |
| <i>Johnson, Michael</i> | Kimbrell  | Loftis    |
| Martin                  | Massey    | Peeler    |
| Rankin                  | Rice      | Shealy    |
| Talley                  | Turner    | Verdin    |
| Young                   |           |           |

**Total--28**

**NAYS**

|          |          |                       |
|----------|----------|-----------------------|
| Allen    | Fanning  | Harpootlian           |
| Hutto    | Jackson  | <i>Johnson, Kevin</i> |
| Malloy   | Matthews | McElveen              |
| McLeod   | Sabb     | Scott                 |
| Senn     | Setzler  | Stephens              |
| Williams |          |                       |

**Total--16**

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There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator McLEOD, with unanimous consent, the Senate stood adjourned out of respect to the memory of Miss Sanaa Amenhotep of Columbia, S.C. Sanaa was a loving daughter and friend who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Blanche McDougald Ferguson of Hartsville, S.C. Ms. Ferguson was a loving mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

At 8:44 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*



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