**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3508**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Davis and G.M. Smith

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Introduced in the House on January 10, 2023

Introduced in the Senate on February 8, 2023

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

Summary: Jurisdiction

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

 1/10/2023 House Introduced and read first time (House Journal‑page 192)

 1/10/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 192)

 2/1/2023 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** (House Journal‑page 2)

 2/7/2023 House Read second time (House Journal‑page 30)

 2/7/2023 House Roll call Yeas-114 Nays-0 (House Journal‑page 30)

 2/8/2023 House Read third time and sent to Senate (House Journal‑page 17)

 2/8/2023 Senate Introduced and read first time (Senate Journal‑page 43)

 2/8/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 43)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3508&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3508_20221215.docx)

[02/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3508_20230201.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 1, 2023

H. 3508

Introduced by Reps. Davis and G.M. Smith

S. Printed 02/01/23--H.

Read the first time January 10, 2023

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The committee on House Medical, Military, Public and Municipal Affairs

To who was referred a Bill (H. 3508) to amend the South Carolina Code of Laws by amending Sections 3-1-150 and 63-3-510, relating to jurisdiction over certain lands relinquished by the United States, etc., respectfully

Report:

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

S.H. DAVIS for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill establishes concurrent jurisdiction with South Carolina and the United States over a military installation within the state relating to any violation of federal law committed by a juvenile that is also an offense under state law and establishes original exclusive jurisdiction within the Family court for these juvenile offenses.

Currently, the only exception to the United States’ exclusive jurisdiction over lands it acquires in South Carolina, including Department of Defense military installations, is for service by the state’s civil and criminal process courts. This bill expands the concurrent jurisdiction with the State and the United States to include a military installation when a juvenile has committed a federal offense within the boundaries of that installation, if the United States Attorney waves exclusive jurisdiction and the federal violation is also a violation under state law. The bill also specifies that when concurrent jurisdiction has been established, the Family court has exclusive original jurisdiction over these cases.

Both Judicial and the Office of the Attorney General anticipate being able to perform activities required by this bill within the normal course of business. Therefore, the bill does not have an expenditure impact.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

to amend the South Carolina Code of Laws by amending Sections 3-1-150 and 63-3-510, relating to jurisdiction over certain lands relinquished by the united states and the exclusive original jurisdiction of the family court, respectively, so as to provide for concurrent jurisdiction with the united states in certain matters involving juveniles within a military installation.

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

SECTION 1. Section 3-1-150 of the S.C. Code is amended to read:

 Section 3-1-150. (A)(1) Whenever a duly authorized official or agent of the United States, acting pursuant to authority conferred by the Congress, notifies the State Fiscal Accountability Authority or any other State official, department or agency, that the United States desires or is willing to relinquish to the State the jurisdiction, or a portion thereof, held by the United States over the lands designated in such notice, the State Fiscal Accountability Authority may, in its discretion, accept such relinquishment. Such acceptance may be made by sending a notice of acceptance to the official or agent designated by the United States to receive such notice of acceptance. The State Fiscal Accountability Authority shall send a signed copy of the notice of acceptance, together with the notice of relinquishment received from the United States, to the Secretary of State, who shall maintain a permanent file of the notices.

 (2) Upon the sending of the notice of acceptance to the designated official or agent of the United States, the State shall immediately have such jurisdiction over the lands designated in the notice of relinquishment as the notice shall specify.

 (3) The provisions of this section subsection shall apply to the relinquishment of jurisdiction acquired by the United States under the provisions of Sections 3-1-110 and 3-1-120.

 (B)(1) Notwithstanding any other provision of this title, the State shall exercise concurrent jurisdiction with the United States over a military installation of the United States Department of Defense located within the State in the matter relating to a violation of federal law by a juvenile within the boundaries of that military installation if:

 (a) the United States Attorney, or the United States District Court, for the applicable district in South Carolina waives exclusive jurisdiction; and

 (b) the violation of federal law is also a crime or infraction under state law.

 (2) The provisions of this subsection shall apply to the relinquishment of jurisdiction acquired by the United States under the provisions of Sections 3-1-110, 3-1-120, and the specific grants the United States outlined in Chapter 3 of this title.

SECTION 2. Section 63-3-510(A) of the S.C. Code is amended by adding an item to read:

 (5) When concurrent jurisdiction has been established pursuant to Section 3-1-150(B), the court has exclusive original jurisdiction over any case involving a juvenile who is alleged to be delinquent as the result of an act committed within the boundaries of a military installation that is a crime or infraction under state law.

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

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