**South Carolina General Assembly**

125th Session, 2023-2024

**A171, R208, H3748**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Caskey, Wooten, Wetmore, Hartnett, Erickson, W. Newton, Pope, Robbins, Mitchell and Yow

Companion/Similar bill(s): 532

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Introduced in the House on January 19, 2023

Introduced in the Senate on March 27, 2024

Last Amended on May 8, 2024

Currently residing in the House

Governor's Action: May 20, 2024, Signed

Summary: Geodetic control monuments

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/19/2023 House Introduced and read first time (House Journal‑page 4)

 1/19/2023 House Referred to Committee on **Judiciary** (House Journal‑page 4)

 3/13/2023 House Member(s) request name added as sponsor: W. Newton

 4/26/2023 House Member(s) request name added as sponsor: Pope

 3/7/2024 House Member(s) request name added as sponsor: Robbins

 3/20/2024 House Member(s) request name added as sponsor: Mitchell, Yow

 3/20/2024 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 11)

 3/26/2024 House Amended (House Journal‑page 29)

 3/26/2024 House Read second time (House Journal‑page 29)

 3/26/2024 House Roll call Yeas-111 Nays-0 (House Journal‑page 30)

 3/27/2024 House Read third time and sent to Senate (House Journal‑page 15)

 3/27/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 3/27/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

 4/5/2024 Senate Referred to Subcommittee: M.Johnson (ch), Sabb,
 Talley, Adams, Devine

 5/1/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 8)

 5/7/2024 Senate Committee Amendment Adopted (Senate Journal‑page 108)

 5/7/2024 Senate Amended (Senate Journal‑page 108)

 5/8/2024 Scrivener's error corrected

 5/8/2024 Scrivener's error corrected

 5/8/2024 Senate Amended (Senate Journal‑page 105)

 5/8/2024 Senate Read second time (Senate Journal‑page 105)

 5/8/2024 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 105)

 5/9/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 114)

 5/9/2024 Scrivener's error corrected

 5/9/2024 Scrivener's error corrected

 5/9/2024 House Concurred in Senate amendment and enrolled (House Journal‑page 100)

 5/9/2024 House Roll call Yeas-101 Nays-0 (House Journal‑page 101)

 5/15/2024 Ratified R 208

 5/20/2024 Signed By Governor

 5/29/2024 Effective date 05/20/24

 5/29/2024 Act No. 171

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3748&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20230119.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240320.docx)

[03/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240326.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240501.docx)

[05/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240507.docx)

[05/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240508.docx)

[05/08/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240508a.docx)

[05/08/2024-B](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240508b.docx)

[05/09/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240509.docx)

[05/09/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3748_20240509a.docx)

(A171, R208, H3748)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑680, RELATING TO THE UNLAWFUL ALTERATION OR REMOVAL OF BOUNDARY LANDMARKS, SO AS TO CLARIFY THAT THE SECTION PROHIBITS MALICIOUSLY OR FRAUDULENTLY ALTERING, DESTROYING, OR REMOVING ANY GEODETIC CONTROL MONUMENTS OR PROPERTY CORNER MONUMENTS, TO DEFINE NECESSARY TERMS, AND TO ALLOW RESTITUTION TO BE REQUIRED AS PART OF A PERSON’S SENTENCE FOR A CONVICTION UNDER THIS SECTION.

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

Destruction or removal of geodetic control or property corner monuments

SECTION 1. Section 16‑11‑680 of the S.C. Code is amended to read:

 Section 16‑11‑680. (A) As used in this section:

 (1) “Geodetic control monuments” means those land surveying monuments which are established by federal, state, and local governments, and private entities, the position of which monuments on the earth’s surface has been fixed by high‑order surveying and computation for use by the land surveyors. Such monuments may be in the form of, but are not limited to, metal, disks set in concrete, rock, or some other fixed permanent object, the horizontal and vertical positions of which have been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use.

 (2) “Property corner monuments” means those land surveying monuments which are established by a licensed professional land surveyor to identify property corners or property lines, the location and description of which are made a part of any recorded or unrecorded plat or any instrument pertaining to real property filed in the register of deeds office or other public office of any county of this State. These surveying monuments may be any permanent or semipermanent object or any live or dead tree material including, but not limited to:

 (a) iron or steel pipes, rebars, spikes, nails, scribed marks in concrete, or metal rods;

 (b) concrete markers, including highway right of way markers;

 (c) stone or rock, whether natural or erected;

 (d) trees, stumps, stakes, and marks, including those marks made on trees, concrete, or metal;

 (e) and such other monuments as may be described in plats, instruments of record, and federal, state, and local law.

 (B)(1) It is unlawful for a person to maliciously or fraudulently move, alter, destroy, or remove any certain geodetic control monuments or property corner monuments. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of noncriminal intent of the acting party. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days, and may be required by the court to make restitution. For the purpose of this section, “restitution” means payment for specific damages and economic losses and expenses sustained by a crime victim resulting from an offender’s criminal conduct. Restitution orders do not limit any civil claims a crime victim may file. If the amount of restitution exceeds the magistrates court’s limitation on ordering restitution as provided in Section 22‑3‑550, the court of general sessions has concurrent jurisdiction with the magistrates court and the case may be transferred to the court of general sessions.

 (2) The provisions of this subsection do not apply to the authorized removal, alteration, destruction, or movement of geodetic control devices or property corner monuments.

Savings clause

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

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

Ratified the 15th day of May, 2024.

Approved the 20th day of May, 2024.

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