**South Carolina General Assembly**

125th Session, 2023-2024

**S. 527**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Verdin, Grooms, Kimbrell, Loftis, Davis, Young, Turner, Peeler, Corbin, Garrett, Gambrell, Senn, Rice, Cromer, Shealy and Bennett

Companion/Similar bill(s): 3096

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Introduced in the Senate on February 9, 2023

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

Summary: Monuments and Memorials

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/9/2023 Senate Introduced and read first time (Senate Journal‑page 11)

 2/9/2023 Senate Referred to Committee on **Finance** (Senate Journal‑page 11)

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**VERSIONS OF THIS BILL**

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/527_20230209.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10‑1‑165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, to provide for the care and preservation of monuments and memorials by certain people or organizations; TO PROVIDE STANDING TO CERTAIN PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION; and to provide for limitations on the transfer of real property underneath a monument or memorial or the transfer of real property necessary to maintain, access, or view a monument or memorial.

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

SECTION 1. Section 10‑1‑165(A) of the S.C. Code is amended to read:

 (A)(1) No colonial war, Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish‑American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, any armed conflict involving South Carolinians, Native American, or African‑American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No historical monument or memorial, including, but not limited to, any street, bridge, structure, park, preserve, reserve, installation, nameplate or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure, or public figure, person, historic event, commemorated event, celebrated event, occurrence, commemoration, memorial, recognition, or any other facts resulting in the placement of the monument or memorial on public property may be relocated, removed, disturbed, altered, renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

 (2) If a county or municipality violates the provisions of item (1), then the Treasurer shall withhold all disbursements from the Local Government Fund for that county or municipality until the violation is corrected.

 (3) A county or municipality in which a monument or memorial subject to the provisions contained in item (1) is located may enter into an agreement with a person having an affinity with the monument or memorial or affinity organization for the care and preservation of the monument or memorial.

 (4) A person having an affinity for a monument or memorial subject to the provisions of item (1) or an affinity organization may bring a civil action in response to a violation of this section to recover damages and the cost of restoration and repair of the property, including attorney's fees and court costs. When the violation is under color of law or by any governmental agency, the recovery may be for treble damages in addition to the cost of the restoration and repair of the property, plus attorney's fees and court costs.

 (5) A county, municipality, or other political subdivision of the State, including a school district, may not transfer ownership of the real property underneath a monument or memorial subject to the provisions of item (1), or transfer ownership of any real property necessary to access, maintain, or view the monument or memorial unless the transfer of ownership is to an affinity organization that has been located in South Carolina for at least ten years and that has a primary purpose to the honor the person, people, or event which is the subject of the monument or memorial. To effectuate a transfer of ownership pursuant to this section, the affinity organization to which the real property is transferred must enter into a covenant to maintain the monument or memorial in its current location and at the expense of the affinity organization.

 (6) For the purposes of this subsection, an “affinity organization” means an organization with a purpose, primary or otherwise, to honor a particular event, people, or time period, including, but not limited to, historical or heritage organizations.

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

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