**South Carolina General Assembly**

125th Session, 2023-2024

**S. 76**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Hindering a law enforcement

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 49)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 49)

 7/27/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/76_20221130.docx)

[07/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/76_20230727.docx)

A bill

TO AMEND SECTION 16-5-50 OF THE South Carolina CODE OF LAWS, RELATING TO THE PENALTY FOR HINDERING A LAW ENFORCEMENT OFFICER OR RESCUING A PRISONER, SO AS TO PROVIDE THAT A PERSON WHO HINDERS A LAW ENFORCEMENT OFFICER IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE THAT AN OFFICER SHALL NOT INTERFERE WITH A PERSON PHOTOGRAPHING OR RECORDING AN OFFICER IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 16-9-320 OF THE South Carolina CODE, RELATING TO OPPOSING, RESISTING, OR ASSAULTING A LAW ENFORCEMENT OFFICER SERVING PROCESS, TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 16‑5‑50 of the S.C. Code is amended to read:

 Section 16‑5‑50. (A)(1) Any A person who shall not:

 (a) hinder, prevent, or obstruct any a law enforcement officer or other person charged with the execution of any a warrant or other process issued under the provisions of pursuant to this chapter in arresting any a person for whose apprehension such warrant or other process may have been issued,;

 (b) rescue or attempt to rescue such person from the custody of the officer or person or persons lawfully assisting him the officer, as aforesaid,;

 (c) aid, abet, or assist any a person so arrested, as aforesaid, directly or indirectly, to escape from the custody of the officer or person or persons assisting him the officer, as aforesaid,; or

 (d) harbor or conceal any a person for whose arrest a warrant or other process shall have has been issued, so as to prevent his the person’s discovery and arrest, after notice or knowledge of the fact of the issuing of such warrant or other process, shall, on conviction for any such offense, be subject to a fine of.

 (2) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars, or imprisonment imprisoned for not more than three years, or both, at the discretion of the court having jurisdiction.

 (B)(1) If a person is exercising his right to photograph or record a law enforcement officer performing the officer’s duties while the officer is in a public place or public view, or the person is in a private place that the person has a right to occupy, then an officer shall not:

 (a) intentionally hinder, prevent, or obstruct the person from taking a photograph or making a recording;

 (b) detain, arrest, threaten, intimidate, or otherwise harass the person;

 (c) search or seize the photograph, recording, or device used to create the photograph or recording without the person’s permission or a warrant; or

 (d) damage or destroy the photograph, recording, or device used to create the photograph or recording.

 (2) This subsection does not apply to a person if an officer is in the act of placing the person under arrest or if the person is under arrest.

 (3) If an officer violates this subsection, then the person has a civil cause of action against the officer and the officer’s law enforcement agency.

SECTION 2. Section 16‑9‑320 of the S.C. Code is amended to read:

 Section 16‑9‑320. (A)(1) It is unlawful for a person knowingly and wilfully to oppose or resist a law enforcement officer in serving, executing, or attempting to serve or execute a legal writ or process or to resist an arrest being made by one whom the person knows or reasonably should know is a law enforcement officer, whether under process or not.

 (2) A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not more than one year, or both.

 (B)(1) It is unlawful for a person to knowingly and wilfully assault, beat, or wound a law enforcement officer engaged in serving, executing, or attempting to serve or execute a legal writ or process or to assault, beat, or wound an officer when the person is resisting an arrest being made by one whom the person knows or reasonably should know is a law enforcement officer, whether under process or not.

 (2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned not more than ten years, or both.

 (C)(1) If a person is exercising his right to photograph or record a law enforcement officer performing the officer’s duties while the officer is in a public place or public view, or the person is in a private place that the person has a right to occupy, then an officer shall not:

 (a) intentionally hinder, prevent, or obstruct the person from taking a photograph or making a recording;

 (b) detain, arrest, threaten, intimidate, or otherwise harass the person;

 (c) search or seize the photograph, recording, or device used to create the photograph or recording without the person’s permission or a warrant; or

 (d) damage or destroy the photograph, recording, or device used to create the photograph or recording.

 (2) This subsection does not apply to a person if an officer is in the act of placing the person under arrest or if the person is under arrest.

 (3) If an officer violates this subsection, then the person has a civil cause of action against the officer and the officer’s law enforcement agency.

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

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