**South Carolina General Assembly**

125th Session, 2023-2024

**S. 843**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rankin

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Introduced in the Senate on January 9, 2024

Introduced in the House on April 9, 2024

Last Amended on April 3, 2024

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

Summary: Misrepresented Solicitation as Native American Indian Tribe

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Labor, Commerce and Industry**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 53)

 1/9/2024 Senate Referred to Committee on **Labor, Commerce and Industry** (Senate Journal‑page 53)

 1/31/2024 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** (Senate Journal‑page 10)

 2/2/2024 Scrivener's error corrected

 4/2/2024 Senate Amended (Senate Journal‑page 29)

 4/3/2024 Senate Amended (Senate Journal‑page 59)

 4/3/2024 Senate Read second time (Senate Journal‑page 59)

 4/3/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 59)

 4/4/2024 Senate Read third time and sent to House (Senate Journal‑page 8)

 4/9/2024 House Introduced and read first time (House Journal‑page 17)

 4/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 17)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/843_20231130.docx)

[01/31/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/843_20240131.docx)

[02/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/843_20240202.docx)

[04/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/843_20240402.docx)

[04/03/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/843_20240403.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 03, 2024

S. 843

Introduced by Senator Rankin

S. Printed 04/03/24--S.

Read the first time January 09, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33‑56‑120, RELATING TO MISREPRESENTATIONS PROHIBITED, SO AS TO PROHIBIT A SOLICITATION FROM A PERSON OR GROUP REPRESENTING ITSELF AS A SOUTH CAROLINA‑BASED NATIVE AMERICAN INDIAN TRIBE OR SOUTH CAROLINA‑BASED NATIVE AMERICAN ENTITY UNLESS THE GROUP HAS BEEN FEDERALLY ACKNOWLEDGED AS A TRIBE, OR DESIGNATED AS A TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION BY THE BOARD OF THE STATE COMMISSION FOR MINORITY AFFAIRS.

 Amend Title To Conform

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

SECTION 1. Section 33‑56‑120 of the S.C. Code is amended to read:

 Section 33‑56‑120. (A) In connection with the solicitation of contributions or the sale of goods or services for charitable purposes, a person shall not misrepresent or mislead, knowingly and wilfully, a person by any manner, means, practice, or device.

 (B) A charitable organization, professional fundraising counsel, or professional solicitor shall not use or exploit the fact of registration so as to lead the public to believe that the registration in any way constitutes an endorsement or approval by the State. However, the use of the following statement is not considered a prohibited exploitation: “Registered with the Secretary of State as required by law”. Registration does not imply endorsement of a public solicitation for contributions.

 (C) In connection with the solicitation of contributions or the sale of goods or services for charitable purposes, a person shall not represent to or mislead a person by any manner, means, practice, or device to believe that another person sponsors or endorses the solicitation of contributions, sale of goods or services for charitable purposes, or approves of the charitable purposes or a charitable organization connected with it when the other person has not given written consent to the use of his name for these purposes. A member of the board of directors or trustees of a charitable organization or another person who has agreed either to serve or to participate in a voluntary capacity in the campaign is considered to have given his consent to the use of his name in the campaign.

 (D) A person shall not make any representation that he is soliciting contributions for or on behalf of a charitable organization or shall not use or display any emblem, device, or printed matter belonging to or associated with a charitable organization for the purpose of soliciting or inducing contributions from the public without first being authorized to do so by the charitable organization.

 (E) For the purpose of soliciting contributions from a person in this State, a person shall not use the name of another person except that of an officer, a director, or a trustee of the charitable organization by or for which contributions are solicited, without the written consent of the other person. A person is considered to have used the name of another person for the purpose of soliciting contributions if the latter person's name is listed on any stationery, advertisement, brochure, or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or if his name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored, or endorsed the charitable organization or its activities.

 (F) Nothing contained in subsection (E) prevents the publication of names of contributors, without their written consent, in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

 (G) A person shall not knowingly or wilfully use a misleading practice or device to solicit the contribution or sale of goods or services for a charitable purpose in connection with a declared state of emergency or disaster as described in Section 39‑5‑147. Penalties provided in this chapter are cumulative of and in addition to those provided in Section 39‑5‑147.

 (H) In connection with the solicitation of contributions or the sale of goods or services for charitable purposes, a charitable organization, professional fundraising counsel, professional solicitor, or commercial co‑venturer shall not represent that it is a South Carolina‑based Native American Indian Tribe, Native American Indian Group, or Native American Indian special interest organization unless:

 (1) it is a federally acknowledged tribe, as provided in Part 83 of Title 25 of the Code of Federal Regulations, that is located within the boundaries of the State of South Carolina;

 (2) it is an entity created by a federally acknowledged tribe that meets the requirements in item (1); or

 (3) it has been designated as a state‑recognized tribe, group, or special interest organization by the board of the State Commission for Minority Affairs, as provided in the regulations promulgated pursuant to Title 1, Chapter 31 of the South Carolina Code of Laws.

 (I) This section does not provide, convey, or authorize any entity to conduct gaming, gambling, or casino operations in South Carolina.

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

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