**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3387**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, W. Newton, B. Newton, Robbins, Mitchell, Pope, Chapman, McCravy, Chumley, Taylor, Forrest, Long, Ligon, Guest, Crawford, Edgerton, M.M. Smith, B.L. Cox, Holman, Davis, Brewer, Murphy, Calhoon, Erickson, Bradley, Williams, Hixon, Burns, Hewitt, Gilreath, Cromer, Oremus and Hartz

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Introduced in the House on January 14, 2025

Introduced in the Senate on April 9, 2025

Last Amended on April 3, 2025

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

Summary: Unlawful occupants of property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

1/14/2025 House Introduced and read first time ([House Journal‑page 186](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 186](h:\hj\20250114.docx))

2/13/2025 House Member(s) request name added as sponsor: Ligon

2/26/2025 House Member(s) request name added as sponsor: Guest,
Crawford

3/5/2025 House Member(s) request name added as sponsor:
Edgerton, M.M. Smith, B.L. Cox, Holman,
Davis, Brewer, Murphy

3/11/2025 House Member(s) request name added as sponsor: Calhoon

3/20/2025 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](h:\hj\20250320.docx))

3/25/2025 House Member(s) request name added as sponsor:
Erickson, Bradley

3/25/2025 Scrivener's error corrected

3/26/2025 House Requests for debate-Rep(s). B Newton, BL Cox, Martin, Caskey, Lowe, Guest, Kirby, Collins, Weeks ([House Journal‑page 18](h:\hj\20250326.docx))

3/26/2025 House Debate adjourned ([House Journal‑page 46](h:\hj\20250326.docx))

3/27/2025 House Debate adjourned ([House Journal‑page 34](h:\hj\20250327.docx))

4/1/2025 House Member(s) request name added as sponsor:
Williams, Hixon

4/2/2025 House Member(s) request name added as sponsor: Burns

4/3/2025 House Member(s) request name added as sponsor: Hewitt,
Gilreath, Cromer, Oremus, Hartz

4/3/2025 House Amended ([House Journal‑page 49](h:\hj\20250403.docx))

4/3/2025 House Read second time ([House Journal‑page 49](h:\hj\20250403.docx))

4/3/2025 House Roll call Yeas-109 Nays-0 ([House Journal‑page 55](h:\hj\20250403.docx))

4/3/2025 House Unanimous consent for third reading on next legislative day ([House Journal‑page 57](h:\hj\20250403.docx))

4/4/2025 House Read third time and sent to Senate ([House Journal‑page 1](h:\hj\20250404.docx))

4/4/2025 Scrivener's error corrected

4/9/2025 Senate Introduced and read first time ([Senate Journal‑page 1](h:\sj\20250409.docx))

4/9/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 1](h:\sj\20250409.docx))

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3387_20241205.docx)

[03/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3387_20250320.docx)

[03/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3387_20250325.docx)

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3387_20250403.docx)

[04/04/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3387_20250404.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 3, 2025

H. 3387

Introduced by Reps. G. M. Smith, W. Newton, B. Newton, Robbins, Mitchell, Pope, Chapman, McCravy, Chumley, Taylor, Forrest, Long, Ligon, Guest, Crawford, Edgerton, M. M. Smith, B. L. Cox, Holman, Davis, Brewer, Murphy, Calhoon, Erickson, Bradley, Williams, Hixon, Burns, Hewitt, Gilreath, Cromer, Oremus and Hartz

S. Printed 4/3/25--H. [SEC 4/4/2025 3:44 PM]

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 27 SO AS TO ENTITLE THE ARTICLE “EJECTMENT OF UNLAWFUL OCCUPANTS OF A RESIDENTIAL DWELLING,” TO DEFINE NECESSARY TERMS, TO PROVIDE AN ALTERNATIVE REMEDY TO REMOVE PERSONS UNLAWFULLY OCCUPYING A RESIDENTIAL DWELLING; TO REDESIGNATE CHAPTER 37, TITLE 27 AS “EJECTMENT PROCEEDINGS”; TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 37, TITLE 27 AS ARTICLE 1, CHAPTER 37, TITLE 27 AND ENTITLE IT “EJECTMENT OF TENANTS”; AND BY ADDING SECTION 16‑11‑521 SO AS TO ESTABLISH THE OFFENSE OF CRIMINAL MISCHIEF.

Amend Title To Conform

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

SECTION 1.A. Chapter 37, Title 27 of the S.C. Code is amended by adding:

Article 3

Ejectment of Unlawful Occupants of a Residential Dwelling

Section 27‑37‑200. As used in this article:

(1) “Authorized enforcement official” means the county sheriff for the county in which the property is located or any county, city, or township constable, pursuant to Section 22-9-10, for the county, city, or township in which the property is located.

(2) “Petitioner” means the owner of property containing a residential dwelling who has filed a verified petition under the provisions of this article.

(3) “Representative of the property owner” includes any authorized agent or personal representative of the property owner. If the property at issue is part of an estate being probated, “representative of the property owner” refers to the representative of the estate during probate proceedings.

(4) “Respondent” means the person or persons unlawfully occupying property containing a residential dwelling, against whom a verified petition has been filed.

(5) “Unlawful occupant or occupants” means any person or persons who detain, occupy, or

trespass on property containing a residential dwelling without the permission of the property owner, who otherwise have no legal right to occupy the property under state law, and who are not afforded any protections provided to a tenant under state law.

Section 27‑37‑210. Notwithstanding any provision of this chapter to the contrary, a property owner or representative of the property owner may seek relief for the removal of a person or persons unlawfully occupying property containing a residential dwelling under this article by filing a verified petition with the clerk of court or chief magistrate of the county in which the property is located.

Section 27‑37‑220. Filing fees and court costs under this article shall be the same as filing fees and court costs required when filing a claim in the court of common pleas.

Section 27‑37‑230. (A) Upon the filing of a verified petition under this section, and for good cause shown in the petition, the court shall immediately issue an ex parte order to remove an unlawful occupant or occupants from property containing a residential dwelling. The assertion of sufficient evidence that the person or persons are unlawfully occupying property containing a residential dwelling shall constitute good cause for purposes of this section. The petition shall set forth the following:

(1) the petitioner is the property owner or a representative of the property owner;

(2) the property that is being occupied includes a residential dwelling;

(3) an unlawful occupant or occupants have entered and remain or continue to reside on the property owner’s property;

(4) the real property was not open to members of the public at the time the unlawful occupant or occupants entered;

(5) the unlawful occupant or occupants are occupying the property without the permission of the property owner and are not guests of the property owner nor otherwise authorized to make use of the property;

(6) the property owner has directed the unlawful occupant or occupants to leave the property and the unlawful occupant or occupants have failed or refused to vacate the premises;

(7) the property has not been leased to any person for three consecutive months, and the unlawful occupant or occupants are not current or former tenants of the property pursuant to any agreement with the property owner;

(8) the unlawful occupant or occupants are not immediate family members of the property owner; and

(9) there is no pending litigation related to the real property between the property owner and any known unlawful occupant or occupants.

(B) An ex parte order to have the unlawful occupant or occupants removed from property containing

a residential dwelling entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. Such hearing shall be held within twenty‑four hours of filing the verified petition unless good cause is shown for a delay. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief or does not show good cause.

(C) Failure to serve an ex parte order on the person or persons who are unlawfully occupying property containing a residential dwelling shall not affect the validity or enforceability of such order.

Section 27‑37‑240. Any ex parte order granted under this article shall be to protect the petitioner from trespass by an unlawful occupant or occupants and may include such terms as the court reasonably deems necessary to ensure the petitioner’s safety including, but not limited to:

(1) restraining the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner’s property, including violence against a pet;

(2) restraining the respondent from entering the petitioner’s premises or dwelling unit or coming within a certain proximity of the petitioner’s premises or dwelling unit; and

(3) restraining the respondent from communicating with the petitioner in any manner or through any medium.

Section 27‑37‑250. When the court has, after a hearing on the petition, issued an order for relief to permanently exclude an unlawful occupant or occupants from the petitioner’s property, it may additionally:

(1) permanently restrain the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner’s property, including violence against a pet;

(2) permanently restrain the respondent from entering the petitioner’s premises or dwelling unit or coming within a certain proximity of petitioner’s premises or dwelling unit;

(3) permanently restrain the respondent from communicating with the petitioner in any manner or through any medium;

(4) permanently expel the respondent from occupying petitioner’s premises or dwelling unit;

(5) permanently expel the respondent’s personal property from petitioner’s premises or dwelling unit;

(6) order the respondent to pay all costs of repair to the petitioner’s premises or dwelling unit relating to damages caused by the respondent;

(7) order the respondent to pay all costs associated with service of any ex parte order authorized against the respondent; or

(8) order the respondent to pay court costs.

Section 27‑37‑260. A verified petition seeking an ex parte order under this article shall contain allegations relating to those orders and shall pray for the orders desired.

Section 27‑37‑270. Once the court grants the order under this article, the authorized enforcement official shall enforce such order by removing the person or persons unlawfully occupying the property.

Section 27‑37‑280. If appropriate, the authorized enforcement official may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

Section 27‑37‑290. The authorized enforcement official is entitled to the same fee for the service of the ex parte order granted under this article as that provided for the execution of a warrant for the ejection of a trespasser pursuant to Section 15‑67‑630. After the authorized enforcement official serves the order, the property owner or representative of the property owner may request that the authorized enforcement official stand by to keep the peace while the property owner or representative of the property owner changes the locks and removes the personal property of the occupants from the premises to or near the property line. When such a request is made, the authorized enforcement official may charge a reasonable hourly rate, and the person requesting the authorized enforcement official to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the authorized enforcement official. The authorized enforcement official is not liable to the unlawful occupant or occupants or to any other party for the loss, destruction, or damage of property. The property owner or representative of the property owner is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

Section 27‑37‑300. A person may bring a civil cause of action if the person was removed from the property under this article without just cause. Such person may seek restored possession to the real property, actual damages to personal property when personal property was removed, statutory damages in the amount of one thousand dollars, and reimbursement of court costs. Any damages authorized under this section shall be offset by any damages to the real property inflicted by the person who was removed from the real property without just cause. Such damages to real property shall be proven by the property owner. Awards of actual damages shall not exceed the value of the damaged personal property.

Section 27‑37‑310. The provisions of this article do not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism,

theft, or other crimes.

Section 27‑37‑320. All proceedings under this article are in addition to any other available civil or criminal remedies, unless otherwise specifically provided herein.

Section 27‑37‑330. (A) The court shall retain jurisdiction over the ex parte order or full order of protection issued under this article for its entire duration. The court may schedule compliance review hearings to monitor the respondent’s compliance with the order.

(B) The terms of the ex parte order or full order of protection issued under this article are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who wilfully violates the ex parte order to the same extent as provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section 27‑37‑340. (A) When a law enforcement officer has probable cause to believe that a party, against whom an ex parte order under this article has been entered and who has notice of such order entered, has committed an act in violation of such order, the officer shall arrest the offending party‑respondent regardless of whether the violation occurred in the presence of the arresting officer.

(B) In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment, or malicious prosecution.

(C) A person who violates the terms and conditions of an ex parte order under this article is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an ex parte order under this article if:

(1) the law enforcement officer responding to a call of a violation of an ex parte order under this article presented a copy of the ex parte order to the respondent; or

(2) notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.

Section 27‑37‑350. Nothing in this article shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

B Title 27 are designated as Article 1, Chapter 37, Title 27 and entitled “Ejectment of Tenants.”

SECTION 2. Article 7, Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16‑11‑521. A person commits the offense of criminal mischief if he or she unlawfully detains, occupies, or trespasses upon a residential dwelling. A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both.

SECTION 3. Section 27-40-800 of the S.C. Code is amended to read:

Section 27-40-800. (a) Upon appeal to the circuit court, the case must be heard, in a manner consistent with other appeals from magistrates court, as soon as is feasible after the appeal is docketed.

(b) It is sufficient toNo court shall stay an execution of a judgment for ejectment. that Upon appeal to the circuit court, the tenant sign an undertaking that he willmay file an affidavit with the circuit court or the magistrate having jurisdiction, in which the tenant promises to pay to the landlord the amount of rent, determined by the magistrate in accordance with Section 27-40-780, as it becomes due periodically after the judgment was entered, in exchange for a stay of the execution of a judgment for ejectment. Once the affidavit is accepted by the court, Anyany magistrate, clerk, or circuit court judge shall order a stay of execution upon the undertaking.

(c) The undertaking affidavit by the tenant and the order staying execution may be substantially in the following form:

|  |  |  |
| --- | --- | --- |
| 20 | State of South Carolina |  |
| 21 | County of \_\_\_\_\_\_\_\_\_\_\_ |  |
| 22 |  |  |
| 23 | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Landlord |  |
| 24 |  |  |
| 25 | vs. |  |
| 26 |  |  |
| 27 | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tenant |  |

Bond to Stay

Execution on Appeal

to Circuit Court

Now comes the tenant in the above entitled action and respectfully shows the court that a judgment of ejectment was issued against the tenant and for the landlord on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ ,

1920\_, by the magistrate. The Tenanttenant also shows the court the tenant has appealedfiled an appeal of the judgment of ejectment to the circuit court on the \_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_.

Pursuant to the findings of the magistrate, the tenant is obligated to pay rent in the amount of $ \_\_\_\_\_\_ per \_\_\_\_\_\_ , due on the \_\_\_\_ day of each \_\_\_\_\_\_\_\_\_\_\_ .

Tenant hereby undertakes promises to pay the periodic rent hereinafter due according to the aforesaid findings of the court and moves the circuit court to stay execution on the judgment for ejectment until this matter is heard on appeal and decided by the circuit court.

This the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ , 1920 \_\_\_\_

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Tenant

Upon execution of the above bond, execution on the judgment of ejectment is hereby stayed until the action is heard on appeal and decided by the circuit court. If tenant fails to make any rental payment within five days of the due date under the agreed terms, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, the stay of execution shall dissolve, the appeal by the tenant to the circuit court on issues dealing with possession must be dismissed and the sheriff may dispossess the tenant. If the application is submitted to the magistrate, the landlord shall be required to provide notice of the application to the circuit court having appellate jurisdiction prior to ejecting the tenant and to effectuate proper dismissal of the appeal.

This the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ , 19 20 \_\_\_\_

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Judge

(d) If either party disputes the amount of the payment or the due date in the undertakingaffidavit, the aggrieved party may move for modification of the terms of the undertaking affidavit before the circuit court. Upon the motion and upon notice to all interested parties, the court shall hold a hearing as soon as is feasible after the filing of the motion and determine what modifications, if any, are appropriate. No judgment for ejectment may be executed pending a hearing on the motion, provided the tenant complied with the terms of the undertakingaffidavit prior to moving for modification. During the pendency of the motion, the tenant shall continue to pay rent in accordance with the terms of the affidavit, and at the discretion of the judge, make payments directly to the landlord or deposit the payments into an escrow account. Upon resolution of the motion, any difference between the total rent amount paid during the appeal and the total amount owed to the landlord, as modified by the court, shall be either refunded to the tenant or become an additional obligation of the tenant to be paid to the landlord.

(e) If the tenant fails to make a payment within five days of the due date according to the undertakingaffidavit and order staying execution, the clerk, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, shall issue a warrant of ejectment to be executed pursuant to Section 27-37-40 of the 1976 Code. If the application is submitted to a court not having appellate jurisdiction over the matter, the landlord

shall be required to provide notice of the application to the court having appellate jurisdiction prior to ejecting the tenant.

(f)(1) Upon appeal to the Supreme Court or to the court of appeals, it is sufficient toa court shall not stay an execution of a judgment for ejectment that unless the tenant sign an undertaking that he will files an affidavit with the proper appellate court, in which the tenant promises to pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The Once the affidavit is accepted by the court, the judge of the court having jurisdiction shall order stay of execution upon the undertaking.

(2) The tenant's failure to comply with the terms of the undertaking affidavit entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section.

SECTION 4. Chapter 2, Title 45 of the S.C. Code is amended by adding:

Section 45‑2‑65. (A)(1) The operator of any recreational vehicle park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park:

(a) illegally possesses or deals in a controlled substance as defined and covered by Chapter 53 of Title 44;

(b) disturbs the peace, quiet enjoyment, or comfort of other persons;

(c) causes harm to the physical park;

(d) violates the posted park rules and regulations; or

(e) fails to make payment of rent at the rental rate agreed upon and by the time agreed upon.

(2) The admission of a person to, or the removal of a person from, any recreational vehicle park may not be based upon race, color, national origin, sex, physical disability, or creed.

(B) The operator of any recreational vehicle park shall notify such guest that the park no longer desires to entertain the guest and shall request that the guest immediately depart from the park. Notice must be given in writing, as follows: “You are hereby notified that this recreational vehicle park no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this State.” If such guest has paid in advance, the park, at the time notice is given, shall tender to the guest the unused portion of the advance payment. Any guest who remains or attempts to remain in such park after being requested to leave commits a misdemeanor and must be punished by a fine not exceeding three hundred dollars or by imprisonment for not more than thirty days.

(C) If a guest has accumulated an outstanding account in excess of an amount equivalent to three nights’ rent at a recreational vehicle park, the operator may disconnect all utilities of the recreational

vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for the payment of the guest’s account. Such arrangement must be in writing, and a copy must be furnished to the guest. Upon entering into the agreement, the operator shall reconnect the utilities of the recreational vehicle.

(D) If any person is illegally on the premises of any recreational vehicle park, the operator of the park may call upon any law enforcement officer of this State for assistance. It is the duty of law enforcement officers, upon the request of an operator, to remove from the premises or place under arrest any guest who, according to the park operator, violated subsection (A) or (B). If a warrant has been issued by the proper judicial officer for the arrest of any guest who violates subsection (A) or (B), the officer shall serve the warrant, arrest the guest, and take the guest into custody. Upon removal or arrest, with or without warrant, the guest is considered to have abandoned or given up any right to occupancy of the premises of the recreational vehicle park; and the operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by the guest and shall refund any unused portion of moneys paid by the guest for the occupancy of such premises. If conditions do not allow for immediate removal of the guest’s property, he may arrange a reasonable time, not to exceed forty‑eight hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(E) In addition to the grounds for ejection established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

SECTION 5. This act takes effect upon approval by the Governor.

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