**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4539**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McGinnis, Holman and Hiott

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Introduced in the House on May 8, 2025

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Penalties for Illegal Fires

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/8/2025 House Introduced and read first time

5/8/2025 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

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**VERSIONS OF THIS BILL**

[05/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4539_20250508.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑150, RELATING TO BURNING LANDS OF ANOTHER WITHOUT CONSENT, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; BY AMENDING SECTION 16‑11‑170, RELATING TO WILFULLY BURNING LANDS OF ANOTHER, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; BY AMENDING SECTION 16‑11‑180, RELATING TO NEGLIGENTLY ALLOWING FIRE TO SPREAD TO LANDS OR PROPERTY OF ANOTHER, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; BY AMENDING SECTION 48‑35‑55, RELATING TO FIRE REGULATION EXEMPTIONS, SO AS TO SUSPEND THE EXEMPTIONS WHEN THE GOVERNOR HAS DECLARED AN EMERGENCY IN CONNECTION WITH FOREST FIRES OR THE STATE FORESTER DECLARES A PROHIBITION; AND BY AMENDING SECTION 48‑35‑60, RELATING TO PENALTIES FOR FIRES ON CERTAIN LANDS, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS OF CHAPTER 35, TITLE 48.

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

SECTION 1. Section 16‑11‑150 of the S.C. Code is amended to read:

Section 16‑11‑150. (A) It shall be unlawful for any person without prior written consent of the landowner or his agent to intentionally set fire to lands of another, or to intentionally cause or allow fire to spread to lands of another, whereby any woods, fields, fences or marshes of any other person are burned. For purposes of this section, “damage” shall include, but not be limited to, injuries, loss of use, loss of property, and related damages.

(B)(1) Any person violating the provisions of this section shall, upon conviction, be punished as follows:

(a) For for the first offense, a misdemeanor punishable by a fine of not less than five hundred dollars but not more than one two thousand dollars, or imprisonment for not more than one yeartwo years, or both. The judge may order a person guilty of a first offense, in lieu of imprisonment, to attend one or more counseling sessions and participate in a course regarding fire starting education that is at least eight hours, with the person paying all costs associated with the counseling sessions and fire education course, as well as court costs and fees related to the case, including monitoring of participation;,

(b) for a second or subsequent offense, a misdemeanor punishable by a fine of not less than two thousand dollars but not more than five thousand dollars, or imprisonment for not more than five years, or both;

(c) for a third or subsequent offense, a felony punishable by a fine of not less than ten thousand dollars, imprisonment for not more than twenty years, or both.

(2) A person convicted under this section shall also be liable for any court costs and attorney’s fees for the person who may have sustained damage due to this violation.

SECTION 2. Section 16‑11‑170 of the S.C. Code is amended to read:

Section 16‑11‑170. (A) It is unlawful for a person to wilfully and maliciously set fire to or burn any grass, brush, or other combustible matter, causing any woods, fields, fences, or marshes of another person to be set on fire or cause the burning or fire to spread to or to be transmitted to the lands of another, or to aid or assist in such conduct. For purposes of this section, “damage” shall include, but not be limited to, injuries, loss of use, loss of property, and related damages.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not moreless than five thousand dollars, or imprisoned not more than fivetwenty years, or both. A person convicted under this section is liable to any person who may have sustained damage. A person convicted under this section shall also be liable for any court costs and attorney’s fees for the person whose lands were set on fire or burned due to this violation.

SECTION 3. Section 16‑11‑180 of the S.C. Code is amended to read:

Section 16‑11‑180.  (A) It is unlawful for a Any person who to carelessly or negligently sets set fire to or burns burn any grass, brush, leaves, or other combustible matter on any lands so as to cause or allow fire to spread or to be transmitted to the lands or property of another, or to burn or injure the lands or property of another, or who causes cause the burning to be done or who aidsaid or assistsassist in the burning, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than five days nor more than thirty days or be fined not less than twenty‑five dollars nor more than two hundred dollars. For a second or subsequent offense the sentence must be imprisonment for not less than thirty days nor more than one year, or a fine of not less than one hundred dollars nor more than five hundred dollars, or both, in the discretion of the court.

(B)(1) A person who violates the provisions of this section shall, upon conviction, be punished as follows:

(a) for the first offense, a misdemeanor punishable by a fine of not less than five hundred dollars but not more than two thousand dollars, imprisonment for not more than two years, or both. The judge may order a person guilty of a first offense, in lieu of imprisonment, to attend one or more counseling sessions and to participate in a course regarding fire starting education that is at least eight hours, with the person paying all costs associated with the counseling sessions and fire education course, as well as court costs and fees related to the case, including monitoring of participation;

(b) for a second offense, a misdemeanor punishable by a fine of not less than two thousand dollars but not more than five thousand dollars, imprisonment for not more than five years, or both;

(c) for a third or subsequent offense, a felony punishable by a fine of not less than ten thousand dollars, imprisonment for not more than twenty years, or both.

(2) A person convicted under this section shall also be liable for any court costs and attorney’s fees for the person whose lands or property were burned or injured due to this violation.

SECTION 4. Section 48‑35‑55 of the S.C. Code is amended to read:

Section 48‑35‑55. Except as otherwise provided by law, the provisions of this chapter do not apply to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal, or other noncombustible material that conforms with all applicable South Carolina fire codes so long as a person has cleared around the area to be burned and has immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread. However, this section shall be suspended during the period in which the Governor has declared an emergency exists in connection with forest fires pursuant to Section 48‑35‑40 or in which the State Forester declares a prohibition pursuant to Section 48‑35‑50.

SECTION 5. Section 48‑35‑60 of the S.C. Code is amended to read:

Section 48‑35‑60. (A) Any person violating the provisions of this chapter Sections 48‑35‑40 or 48‑35‑50 may be deemed guilty of:

(1) for a first offense, a misdemeanor and, upon conviction, may be fined not less than five hundred dollars but not more than two hundredthousand dollars, or imprisoned imprisonment for not more than thirty days for a first offense.two years, or both. The judge may order a person guilty of a first offense, in lieu of imprisonment, to attend one or more counseling sessions and participate in a course regarding fire starting education that is at least eight hours, with the person paying all costs associated with the counseling sessions and fire education course, as well as court costs and fees related to the case, including monitoring of participation;

(2) for a second offense, a misdemeanor punishable by a fine of not less than two thousand dollars but not more than five thousand dollars, imprisonment for not more than five years, or both;

(3) For any secondfor any third or subsequent offense, a felony punishable by a fine of not less than five hundred dollars or imprisonment for not more than sixty days, or both may be imposed in the discretion of the court. “Subsequent offense”, as used in this section, shall mean an offense committed within ten years of a previous offense.

(B) Any person violating any other provision of this chapter may be deemed guilty of a misdemeanor and, upon conviction, may be:

(1) for a first offense, fined not less than one hundred dollars but not more than five hundred dollars, imprisonment for not more than thirty days, or both. The judge may order a person guilty of a first offense, in lieu of imprisonment, to attend one or more counseling sessions and participate in a course regarding fire starting education that is at least eight hours, with the person paying all costs associated with the counseling sessions and fire education course, as well as court costs and fees related to the case, including monitoring of participation;

(2) for a second offense, a fine of not less than two thousand dollars but not more than five thousand dollars, imprisonment for not more than five years, or both;

(3) for a third or subsequent offense, less than ten thousand dollars, imprisonment for not more than twenty years, or both.

(C) “Subsequent offense” as used in this section shall mean an offense committed within ten years of a previous offense.

SECTION 6. This act takes effect upon approval by the Governor.

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