

MINUTES

SENATE JUDICIARY COMMITTEE

Tuesday, April 12, 2016
3:00 p.m., Room 308, Gressette Building

Senators in Attendance: Malloy, Massey, Hutto, L. Martin, Rankin, Bright, Coleman, Shealy, McElveen, Hembree, Bennett, Gregory, Allen, Corbin, Johnson, Thurmond, Bright Matthews, Sabb, Young, Turner, Kimpson

SUBCOMMITTEE REPORTS

- A) **S. 281 -- Senator Massey:** A BILL TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, TO ENACT ARTICLE 2, THE “TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT THE STATE MAY NOT ENTER INTO CONTINGENCY FEE CONTRACTS WITHOUT A WRITTEN DETERMINATION BY THE ATTORNEY GENERAL, TO SET THE MAXIMUM FOR CONTINGENCY FEE CONTRACTS, TO PROVIDE FOR CERTAIN REQUIREMENTS THAT MUST BE MET DURING THE TERM OF THE CONTRACT, AND TO PROVIDE THAT BY FEBRUARY FIRST OF EACH YEAR, THE ATTORNEY GENERAL SHALL SUBMIT A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR DESCRIBING THE USE OF CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS IN THE PRECEDING CALENDAR YEAR AND TO PROVIDE FOR THE CONTENTS OF THE REPORT; TO AMEND SECTION 15-36-100, RELATING TO ACTIONS FOR PROFESSIONAL NEGLIGENCE, TO PROVIDE THAT A DEFENDANT WHO FILES A COUNTERCLAIM ASSERTING A CLAIM FOR PROFESSIONAL NEGLIGENCE SHALL FILE THE REQUIRED AFFIDAVIT; TO AMEND CHAPTER 79, TITLE 15, RELATING TO MEDICAL MALPRACTICE ACTIONS, BY ADDING SECTION 15-79-135 TO PROVIDE THAT EVIDENCE OFFERED TO PROVE PAST MEDICAL EXPENSES SHALL BE LIMITED TO EVIDENCE OF THE AMOUNTS ACTUALLY PAID TO SATISFY THE BILLS THAT HAVE BEEN SATISFIED AND EVIDENCE OF THE AMOUNTS ACTUALLY NECESSARY TO SATISFY THE BILLS THAT HAVE BEEN INCURRED BUT NOT YET SATISFIED; TO AMEND CHAPTER 135, TITLE 44, RELATING TO THE ASBESTOS AND SILICA CLAIMS PROCEDURE ACT OF 2006, BY ADDING SECTION 44-135-65 TO DEFINE “ASBESTOS TRUST CLAIM”, TO PROVIDE THAT A CLAIMANT SHALL PROVIDE TO ALL OF THE PARTIES IN AN ASBESTOS TORT ACTION A SWORN STATEMENT BY THE CLAIMANT, UNDER PENALTY OF PERJURY, IDENTIFYING ALL EXISTING ASBESTOS TRUST CLAIMS MADE BY OR ON BEHALF OF THE CLAIMANT AND ALL TRUST CLAIMS MATERIAL PERTAINING TO EACH IDENTIFIED ASBESTOS TRUST CLAIM, AND TO PROVIDE THE MANNER IN WHICH A DEFENDANT MAY MAKE A MOTION TO STAY THE PROCEEDINGS OF AN ASBESTOS TORT ACTION AND OTHER PROCEDURES RELATED TO A DEFENDANT’S MOTION TO STAY THE PROCEEDINGS; AND TO AMEND SECTION 56-5-6540, RELATING TO

ADMISSIBILITY AS EVIDENCE OF NEGLIGENCE IN A CIVIL ACTION, TO REMOVE THE PROVISION THAT A VIOLATION OF THIS ARTICLE IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE, AND IT IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION.

On motion of Senator Massey, the bill was recommitted to subcommittee.

- B) S. 163 -- Senator Hembree:** A BILL TO AMEND SECTION 5-1-26(A) OF THE 1976 CODE, RELATING TO THE DUTIES OF THE JOINT LEGISLATIVE COMMITTEE ON MUNICIPAL INCORPORATION, TO PROVIDE THE COMMITTEE WITH ADDITIONAL DUTIES; TO AMEND CHAPTER 1, TITLE 5, RELATING TO THE INCORPORATION OF MUNICIPALITIES, TO PROVIDE THAT A MUNICIPALITY WHOSE POPULATION DROPS BELOW THREE HUNDRED MUST SHOW THAT IT IS MAINTAINING MUNICIPAL SERVICES AT AN ADEQUATE LEVEL TO MAINTAIN ITS CERTIFICATE OF INCORPORATION; TO PROVIDE THAT A REVIEW OF A MUNICIPALITY'S CERTIFICATE OF INCORPORATION MAY BE INITIATED BY THE COUNTY LEGISLATIVE DELEGATION; TO PROVIDE FOR THE REVIEW AND DETERMINATION PROCESS.

On motion by Senator Hembree for committee's consideration of amendment, the amendment was adopted. Senator Hembree moved to report the bill out favorable with amendment. 12-6. Proxy - Senator Campsen (yes). Senator Johnson put a minority report on the bill.

- C) S. 289 -- Senator Alexander:** A BILL TO AMEND SECTION 16-3-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE, SO AS TO PROVIDE THAT A PERSON THAT UNLAWFULLY INJURES A LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER, OR FIREFIGHTER, COMMITS THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE.

Bill was recommitted to subcommittee.

- D) S. 194 -- Senators Hutto, L. Martin and Johnson:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

Bill was recommitted to subcommittee.

- E) **S. 1126 -- Senator Hembree:** A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATTENDANCE AT CIRCUIT COURT AND PREPARATION AND PUBLICATION OF THE DOCKET, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE DEVELOPMENT, DISSEMINATION, AND EXECUTION OF THE GENERAL SESSIONS COURT DOCKET PLAN; TO ALLOW FOR A MOTIONS PRACTICE TO ESTABLISH THE ORDER OF CASES ON THE GENERAL SESSIONS COURT DOCKET; TO PROVIDE THAT THE CIRCUIT SOLICITOR'S ABILITY TO ADMINISTER THE DOCKET MAY NOT INTERFERE WITH A DEFENDANT'S CONSTITUTIONAL RIGHTS; TO ALLOW FOR THE CIRCUIT COURT TO RULE ON CASES AND CONTROVERSIES ARISING FROM THE ADMINISTRATION OF THE DOCKET; AND TO PRESERVE ALL CRIME VICTIMS' CONSTITUTIONAL RIGHTS.

Senator Bright Matthews made a motion to carry the bill over so she and Senator Hembree could discuss the bill further. Carry over vote failed, 10-12. On motion of Senator Hembree, the reported was reported out favorable with amendment. 14 (15) - 5. Senators Hembree and Bright Matthews put a minority report on the bill.

- F) **S. 1087 -- Senators Gregory and Rankin:** A BILL TO AMEND SECTION 20-3-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING THE EXISTENCE OF CHANGED CIRCUMSTANCES; TO CREATE A REBUTTABLE PRESUMPTION THAT ALIMONY TERMINATES UPON THE SUPPORTING SPOUSE ATTAINING FULL RETIREMENT AGE; AND TO PROVIDE THAT PAYMENT OF ALIMONY FOR A PERIOD THAT EXCEEDS THE DURATION OF MARRIAGE CONSTITUTES SUFFICIENT GROUNDS FOR THE COURT TO MODIFY, TERMINATE, OR ESTABLISH A FIXED DURATION OF TIME FOR ANY FURTHER PAYMENT OBLIGATION, IF SUPPORTED BY THE EVIDENCE PRESENTED.

Amendment taking out rebuttable presumption was adopted, 12-6. Senator Malloy made a motion to recommit the bill, 8-10, motion failed. Proxies Senators Turner and Hutto. On motion of Senator Gregory, the bill was reported out favorable with amendment. 12-9.

- G) **S. 1170 -- Senator Gregory:** A BILL TO AMEND SECTION 20-3-130(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE THAT CERTAIN EARNINGS OF A SUBSEQUENT SPOUSE ARE NOT TO BE CONSIDERED BY THE COURT WHEN MAKING, MODIFYING, OR TERMINATING THE AWARD OF ALIMONY.

The bill was reported out favorable, 12-7. Proxy Sen. Hutto.

- H) **H. 3450 -- Reps. Bannister, Tallon, Cobb-Hunter, D.C. Moss, Herbkersman, Murphy, Brannon, Bedingfield, Delleney, Finlay, Gambrell, Goldfinch, Hamilton, Henderson, Hicks, Horne, McCoy, Pitts, Quinn, G.M. Smith and Spires:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING

SECTION 61-4-360 SO AS TO PROHIBIT A BEER WHOLESALER FROM DELIVERING BEER TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE BEER HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES, AND TO PROVIDE PENALTIES; BY ADDING SECTION 61-4-370 SO AS TO PROHIBIT A WINE WHOLESALER FROM DELIVERING WINE TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE WINE HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-1325 SO AS TO PROHIBIT A LIQUOR WHOLESALER FROM DELIVERING ALCOHOLIC LIQUORS TO A RETAIL LIQUOR LICENSE HOLDER UNLESS THE ALCOHOLIC LIQUORS HAVE BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS, AND TO PROVIDE PENALTIES.

On motion of Senator Johnson, the bill was carried over. No objection.

- I) **S. 777 -- Senators Malloy and Bennett:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-5-436 SO AS TO PROVIDE ADDITIONAL AND ALTERNATIVE REQUIREMENTS FOR MATTERS INVOLVING PAYMENT OF BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO DEFINE RELEVANT TERMS; TO AMEND SECTION 62-1-201, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO DEFINE THE TERM “VA” AND TO MAKE OTHER TECHNICAL CORRECTIONS; TO AMEND SECTION 62-5-404, RELATING TO THE ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER, SO AS TO REQUIRE THE PETITION TO SHOW THAT THE PERSON TO BE PROTECTED HAS BEEN RATED INCOMPETENT BY THE VA AND TO PROVIDE THAT THE PETITION SHALL STATE THE NAME AND ADDRESS OF THE PERSON TO BE NOTIFIED ON BEHALF OF THE VA; TO AMEND 62-5-405, AS AMENDED, RELATING TO SERVICE OF SUMMONS AND PETITIONS, NOTICE OF HEARING, AND WAIVER OF NOTICE BY THE PERSON TO BE PROTECTED, SO AS TO REQUIRE SERVICE UPON THE VA AND NOTICE OF THE HEARING IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-407, AS AMENDED, RELATING TO PROCEDURES CONCERNING THE HEARING AND ORDER ON ORIGINAL PETITION, SO AS TO CLARIFY CERTAIN PROVISIONS IN CASES INVOLVING PAYMENT OF BENEFITS FROM THE VA; AND TO REPEAL PART 6, ARTICLE 5, CHAPTER 5, TITLE 62 RELATING TO THE UNIFORM VETERANS’ GUARDIANSHIP ACT.

*On motion of Senator Malloy, the subcommittee amendment was adopted (verbal vote).
On motion of Senator Malloy, the bill was reported out favorable with amendment. 19-0.
Proxy Senator Hutto.*

- J) **S. 778 -- Senator Malloy:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO TITLE 62 SO AS TO ENACT THE

“SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT”); TO DEFINE APPLICABLE TERMS; TO OUTLINE THE ARTICLE’S REQUIREMENTS AND APPLICABILITY, AND TO PROVIDE EXCEPTIONS; TO AMEND PART 5, ARTICLE 5, TITLE 62, RELATING TO POWERS OF ATTORNEY, SO AS TO ENACT THE “SOUTH CAROLINA STATUTORY HEALTH CARE POWER OF ATTORNEY ACT”); TO DEFINE APPLICABLE TERMS; TO OUTLINE THE PART’S REQUIREMENTS AND APPLICABILITY; TO PROVIDE EXECUTION AND WITNESS REQUIREMENTS; AND TO SPECIFY THE PROPER FORM OF A HEALTH CARE POWER OF ATTORNEY.

Amendment was adopted without objection. On motion of Senator Malloy, the bill was reported out favorable with amendment. 21-0. (Unanimous consent to use last vote count).

- K) S. 908 -- Senator Hayes:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT” BY ADDING PART 10 TO ARTICLE 2, TITLE 62 SO AS TO ESTABLISH A FRAMEWORK BY WHICH INTERNET USERS HAVE THE POWER TO PLAN FOR THE MANAGEMENT AND DISPOSITION OF DIGITAL ASSETS UPON DEATH OR INCAPACITATION; TO DEFINE NECESSARY TERMS; TO SET FORTH THE APPLICABILITY OF THE ACT TO FIDUCIARIES, PERSONAL REPRESENTATIVES, CONSERVATORS, TRUSTEES, AND OTHER PARTIES; TO PROVIDE THAT THE ACT DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER THAT IS USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF BUSINESS; AND TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE APPLIED AND CONSTRUED SO AS TO PROMOTE UNIFORMITY OF LAW AMONG THE STATES.

Subcommittee amendment was adopted. On motion of Senator Malloy, the bill was reported out favorable with amendment. Previous vote count used. 21-0, (Unanimous consent to use last vote count).

- L) S. 719 -- Senators Bright, Cromer, Bryant, S. Martin, Turner, Fair, Shealy, Grooms, Massey, Verdin, Young and Davis:** A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE, SO AS TO EXTEND THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE TO BORN AND PREBORN PERSONS BEGINNING AT CONCEPTION.

The subcommittee amendment was adopted without objection. On motion of Senator Bright, the bill was reported out favorable with amendment. 11-7 vote. Voting for the bill Senators Bennett, Bright, Corbin, Gregory, Hembree, L. Martin, Massey, Rankin, Shealy, Turner, Young (proxy). Voting against the bill Senators Allen, Bright Matthews, Coleman, Hutto, Johnson, Malloy, Sabb. Senators Hutto and Bright Matthews put a minority report on the bill.

- M) **S. 1092 -- Senator Hutto:** A BILL TO AMEND SECTION 44-53-370, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRUG OFFENSES, SO AS TO CONFORM THE LANGUAGE OF TRAFFICKING IN ILLEGAL DRUGS PROVISIONS, INCLUDING OPIATES AND HEROIN, TO THE LANGUAGE OF THE PROVISIONS CONCERNING POSSESSION AND DISTRIBUTION OF CERTAIN ILLEGAL DRUGS WHICH WOULD INCLUDE SYNTHETIC OPIATES, AMONG OTHER DRUGS.

On motion of Senator Hutto, the bill was reported out favorably. Previous vote count used. 21-0, (Unanimous consent to use last vote count).

- N) **S. 1041 -- Senators Shealy and Young:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE “SUPPORTING AND STRENGTHENING FAMILIES ACT”, TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-7-920, AS AMENDED, RELATING TO INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY-IN-FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

Senator Shealy’s amendment was adopted without objection. Bill was reported out favorable with amendment. 18-2. Proxies Senators Kimpson, Gregory, Thurmond, Campsen.

- O) **H. 3653 -- Reps. Pope, Quinn, Huggins, Allison, Spires, Hardee, Gagnon, Yow, Stavrinakis, H.A. Crawford, Kirby, McEachern, Anthony, Corley, Bales, Kennedy, Erickson, Hosey, Whitmire, Crosby, Southard, Tallon, McCoy, Burns, Atwater, Ballentine, Bannister, Bedingfield, Bernstein, R.L. Brown, Chumley, Clary, Collins, Felder, Finlay, Forrester, Funderburk, Gambrell, Hamilton, Herbkersman, Hicks, Hiott, Hixon, Hodges, Loftis, Long, V.S. Moss, Norman, Norrell, Pitts, Ridgeway, Riley, Sandifer, Simrill, G.R. Smith, Taylor, Thayer, Toole, Weeks, Wells, Willis, Mitchell, W.J. McLeod and Rivers:** A BILL TO AMEND SECTION 23-1-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OF A LAW ENFORCEMENT OFFICER TO WORK IN A MULTI JURISDICTIONAL TASK FORCE, SO AS TO AUTHORIZE A LAW ENFORCEMENT AGENCY TO ENTER INTO MUTUAL AID AGREEMENTS OR MULTI JURISDICTIONAL TASK FORCE AGREEMENTS WITH OTHER LAW ENFORCEMENT PROVIDERS FOR ANY LENGTH OF TIME, TO PROVIDE THAT

A SHERIFF MAY ENTER INTO AN AGREEMENT AS LONG AS THE AGREEMENT DOES NOT OBLIGATE HIS COUNTY'S GOVERNING BODY TO ANY ADDITIONAL RESOURCES BEYOND THOSE APPROVED WITHIN HIS ANNUAL BUDGET, TO PROVIDE THE CONDITIONS UPON WHICH AN AGREEMENT MAY BE TERMINATED, TO PROVIDE CERTAIN LIMITS PLACED UPON A LOCAL GOVERNING BODY WHEN IT ATTEMPTS TO PROHIBIT A LAW ENFORCEMENT AGENCY FROM TRANSFERRING OR ASSIGNING LAW ENFORCEMENT OFFICERS TO OTHER JURISDICTIONS, AND TO SPECIFY THE DIFFERENCES BETWEEN AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION AND UNDER THE LAW ENFORCEMENT ASSISTANCE SUPPORT ACT; AND TO REPEAL SECTION 23-1-215, AS AMENDED, RELATING TO AGREEMENTS THAT MAY BE ENTERED INTO BETWEEN MULTIPLE LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSE OF CRIMINAL INVESTIGATIONS.

Senator Hembree requested that the committee take up this bill. Discussion was started (briefly). Senator Sabb made some comments (could not hear on video), then Senator Martin moved on to H. 3799.

- P) **S. 1023 -- Senators Hutto and McElveen:** A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE PERSONS WHO ARE RETIRED FROM CERTAIN OFFICES IN THE PURVIEW OF THE STATUTE.

The subcommittee amendment adding Clerks of Court was adopted by verbal vote. The bill was reported out favorable with amendment. 21-0 vote count.

- Q) **H. 3799 -- Reps. Hixon, Simrill, Taylor, Loftis, Burns, Brannon, Spires, Yow, Clemmons, Riley, Corley, Collins, Clary, Hosey, Clyburn, King, Hicks, Knight, Bradley, Jefferson, Kirby, Huggins, Duckworth, Kennedy, Hamilton, Hardee, Johnson, Murphy, Felder, Alexander, Atwater, Ballentine, Bedingfield, Bowers, Cobb-Hunter, Daning, Delleney, Dillard, Forrester, Funderburk, Gagnon, Gambrell, Hiott, Howard, Lowe, W.J. McLeod, V.S. Moss, Nanney, Norman, Ott, Pitts, Pope, Ridgeway, Ryhal, G.R. Smith, Tallon, Thayer, Toole, Weeks, Wells, White, Willis, Chumley and Rivers:** A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO PROVIDE THAT SOUTH CAROLINA SHALL RECOGNIZE CONCEALED WEAPON PERMITS ISSUED BY GEORGIA AND NORTH CAROLINA UNDER CERTAIN CIRCUMSTANCES.

The subcommittee amendment was adopted without objection. Senator Bright introduced an amendment but withdrew it to hold for the floor. The bill was reported out favorable with amendment. 21-0 vote count. Proxies Senators Turner, Kimpson, and Campsen.

- R) **H. 4701 -- Reps. Pitts, White, G.M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer,**

McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G.R. Smith, Yow, Limehouse and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SECOND AMENDMENT PRESERVATION ACT" AND TO PROVIDE THAT THE STATE SHALL NOT ENFORCE CERTAIN LAWS, RULES, OR REGULATIONS THAT LIMIT THE RIGHT OF A PERSON TO OWN, POSSESS, OR USE A FIREARM, AMMUNITIONS, OR FIREARM ACCESSORIES, ACCEPT CERTAIN FEDERAL FUNDS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED, OR EXPEND ANY STATE FUNDS TOWARD THE ENFORCEMENT OF CERTAIN FEDERAL LAWS, RULES, OR REGULATIONS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED.

The bill was not taken up.

- S) **S. 1182 -- Senators Shealy, Lourie, Fair and Hutto:** A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL-TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17-5-130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

Subcommittee amendment was adopted. On motion on Senator Hutto, the bill was reported out favorable with amendment. 21-0 (Unanimous consent to use last vote count).

- T) **S. 1052 -- Senator Alexander:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-180 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION IS AUTHORIZED TO SUBMIT FINGERPRINTS COLLECTED BY CERTAIN AGENCIES TO THE FEDERAL BUREAU OF INVESTIGATION'S NEXT GENERATION IDENTIFICATION PROGRAM UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THEIR RETENTION AND USE.

The bill was not taken up.

- U) **S. 1015 -- Senator Leatherman:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-165 SO AS TO MAKE

UNLAWFUL CERTAIN ACTIONS INVOLVING COUNTERFEIT OR
NONFUNCTIONAL AIRBAGS.

Amendment was adopted. On motion of Senator Johnson, the bill was reported out favorable with amendment. Previous vote count used. 21-0, (Unanimous consent to use last vote count).

- V) **S. 1127 -- Senator Cleary:** A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION APPLIES ONLY TO THE EXTENT THAT IS PERMITTED IN SECTION 522(d) OF THE FEDERAL BANKRUPTCY CODE.

The bill was not taken up.

- W) **H. 4510 -- Reps. Thayer, Hosey, Nanney, Hamilton, Erickson, Long, Hicks, McCoy, McEachern and Bedingfield:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-2400 SO AS TO ESTABLISH LIMITATIONS ON THE NUMBER OF FOSTER CHILDREN WHO MAY BE PLACED IN A FOSTER HOME.

The bill was not taken up.

- X) **S. 356 -- Senator Rankin:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-31-60, SO AS TO REQUIRE THAT ON THE EFFECTIVE DATE OF THIS ACT RECOGNIZED NATIVE AMERICAN INDIAN GROUPS CONTINUE TO BE RECOGNIZED AND ELIGIBLE TO EXERCISE PRIVILEGES AND OBLIGATIONS AUTHORIZED BY THAT DESIGNATION, THAT THE COMMISSION FOR MINORITY AFFAIRS CEASE TO RECOGNIZE ADDITIONAL NATIVE AMERICAN INDIAN GROUPS, THAT ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP ARE REPEALED, AND THAT THE COMMISSION REVISE ITS REGULATIONS TO PROVIDE FOR THE PRIVILEGES AND OBLIGATIONS OF NATIVE AMERICAN INDIAN GROUPS THAT CONTINUE TO BE RECOGNIZED.

The bill was not taken up.

- Y) **H. 4877 -- Reps. Delleney, Pitts, Lucas, Bannister and Whipper:** A BILL TO AMEND SECTION 63-3-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD TWO ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

The bill was not taken up.

- Z) S. 916 -- Senators Malloy, Fair and M.B. Matthews:** A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUVENILE JUSTICE CODE DEFINITIONS, SO AS TO PROVIDE THAT A “CHILD” OR “JUVENILE” MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE, DOES NOT MEAN A PERSON SEVENTEEN YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLENT CRIME, AND THAT A PERSON SIXTEEN YEARS OF AGE WHO IS CHARGED WITH A CLASS A, B, C, OR D FELONY OR A FELONY WHICH PROVIDES FOR A MAXIMUM TERM OF IMPRISONMENT OF FIFTEEN YEARS OR MORE MUST BE PROVIDED THE RIGHT TO HAVE THE CASE REMANDED TO FAMILY COURT; AND TO AMEND SECTION 63-19-1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER A CASE INVOLVING A CHILD, SO AS TO PROVIDE THAT IF A CHILD WAS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF COMMITTING AN ALLEGED OFFENSE, THE CIRCUIT COURT SHALL TRANSFER THE CASE TO FAMILY COURT, THAT IF A CHILD BELOW EIGHTEEN YEARS OF AGE IS CHARGED WITH AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD BE A VIOLENT CRIME, THE COURT MAY RETAIN JURISDICTION, AND THAT IF A CHILD UNDER THE AGE OF EIGHTEEN IS CHARGED WITH CERTAIN OFFENSES, THE COURT MAY BIND OVER THE CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

The subcommittee amendment was adopted without objection. On motion of Senator Hembree, the bill was reported out favorable with amendment. 21-0. (Unanimous consent to use last vote count).

COURT RULES

Rule 267(d) of the S.C. Appellate Court Rule
Rules 10 (d), 11(a), and 23 of the S.C. Rules of Civil Procedure
Rules 1, 4, 20, 23, and 24 of the S.C. Court-Annexed Alternative Dispute Resolution
Rule 4(C) of Procedures for the Office of Motor Vehicle Hearings
Administrative Law Court Rules 1, 8(A), 21(A), 34, 37, 59, 60, & 71(C) of Procedure for the Administrative Law Court

The court rules were not taken up.