CHAPTER 10

Removal and Placement of Confederate Flag

Code Commissioner's Note

Chapter 10 was added at the direction of the Code Commissioner.

**SECTION 1‑10‑10.** Flags authorized to be flown atop State House dome, in chambers of Senate and House of Representatives and on grounds of Capitol Complex; members' offices as "chambers"; private individual wearing, carrying or displaying flag on capitol grounds.

 (A) As of 12:00 noon on the effective date of this act, and permanently thereafter, the only flags authorized to be flown atop the dome of the State House, in the chambers of the Senate and House of Representatives, and on the grounds of the Capitol Complex shall be as authorized in this section.

 The flags authorized to be flown atop the dome of the State House and in the chambers of the Senate and House of Representatives are the United States Flag and the South Carolina State Flag.

 From any funds appropriated to the Department of Administration, the Division of General Services of the Department of Administration, or its successor in interest, shall ensure that the flags authorized above shall be placed at all times as directed in this section and shall replace the flags at appropriate intervals as may be necessary due to wear.

 (B) The provisions of this section may only be amended or repealed upon passage of an act which has received a two‑thirds vote on the third reading of the bill in each branch of the General Assembly.

 (C) The term "chambers" of the House or Senate for the purposes of this section does not include individual members' offices. The provisions of this section do not prohibit a private individual on the capitol complex grounds from wearing as a part of his clothing or carrying or displaying any type of flag including a Confederate Flag.

HISTORY: 2000 Act No. 292, Section 1; 2015 Act No. 90 (S.897), Section 1, eff July 9, 2015.

Validity

For the validity of (B) this section, see Pinckney v. Peeler, 862 S.E.2d 906 (S.C. 2021).

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Editor's Note

2015 Act No. 90, Section 2, provides as follows:

"SECTION 2. The South Carolina Infantry Battle Flag of the Confederate States of America [the Battle Flag of the Army of Northern Virginia (General Robert E. Lee's Army) the South Carolina, Georgia, Florida Department version] shall be permanently removed from its location on the south side of the Confederate Soldier Monument. The South Carolina Infantry Battle Flag of the Confederate States of America shall be permanently removed from its location on the Capitol Complex Grounds within twenty‑four hours of the effective date of this act. Upon its removal, the flag shall be transported to the Confederate Relic Room for appropriate display. The flagpole on which the flag is flown and the area adjacent to the monument and flagpole must be returned to its previous condition by the Division of General Services."

Effect of Amendment

2015 Act No. 90, Section 1, amended the section, providing for removal of the South Carolina Infantry Battle Flag of the Confederate States of America from the grounds of the Capitol Complex.

**SECTION 1‑10‑20.** Confederate Flags from above rostrums of Senate and House of Representatives chambers to be placed and displayed in State Museum.

 The actual Confederate Flags (Naval Jack) removed from above the rostrum in the chambers of the House of Representatives and the Senate must be placed and permanently displayed in a suitable location in the State Museum.

HISTORY: 2000 Act No. 292, Section 1.

**SECTION 1‑10‑30.** Confederate Flag from dome to be placed and displayed in State Museum.

 The actual Confederate Flag (Naval Jack) which is flying on the effective date of this act and which is removed from the dome of the State House must be placed and permanently displayed in a suitable location in the State Museum.

HISTORY: 2000 Act No. 292, Section 6.