**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1387**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Thomas

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Introduced in the Senate on April 22, 2010

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

Summary: Judicial Department

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\04-22-10.docx)‑7

4/22/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\04-22-10.docx)‑7

**VERSIONS OF THIS BILL**

[4/22/2010](file:///p:\pprever\2009-10\1387_20100422.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, SO AS TO REQUIRE THE COURTS OF THIS STATE TO UPHOLD AND ADHERE TO THE LAW AS PROVIDED IN FEDERAL AND STATE CONSTITUTIONS OF CERTAIN LAWS, RULES, AND REGULATIONS; AND TO PROHIBIT CONSIDERATION OF CERTAIN LAWS, RULES, REGULATIONS, DECISIONS, CONVENTIONS, AND TREATIES.

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

SECTION 1. It is proposed that Section 1, Article V of the Constitution of this State be amended to read:

“Section 1. (A) The judicial power ~~shall be~~ is vested in a unified judicial system, which ~~shall include~~ includes a Supreme Court, a Court of Appeals, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law.

(B) The courts provided for in subsection (A), when exercising their judicial authority, shall uphold and adhere to the law as provided in the United States Constitution, the South Carolina Constitution, the United States Code and federal regulations promulgated pursuant to it, and the South Carolina statutes and rules adopted and regulations promulgated pursuant to it, and in doing so, shall rely only on those sources, and if necessary for the determination of a particular case, the laws, rules, regulations, and cases of another state of the United States, in making judicial decisions. The courts shall not look to the legal precepts of other nations or cultures. Specifically, the courts shall not consider Sharia Law, international law, the constitutions, laws, rules, regulations, and decisions of courts or tribunals of other nations, or conventions or treaties, whether or not the United States is a party. The provisions of this subsection shall apply to all cases before the respective courts including, but not limited to, cases of first impression.”

SECTION 2. The proposed amendment in Section 1 of this joint resolution must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 1, Article V of the Constitution of this State be amended so as to require the courts of this State to uphold and adhere to the law as provided in federal and state constitutions of certain laws, rules, and regulations; and to prohibit consideration of certain laws, rules, regulations, decisions, conventions, and treaties?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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