**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4774**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse, Brantley, Simrill, Miller, McEachern, Sottile, Vick, Hayes, Knight, H.B. Brown, Hutto, Anthony, Bowen, R.L. Brown, Crawford, Daning, Hamilton, Horne, Jefferson, Littlejohn, Long, Lowe, Mack, Millwood, Mitchell, D.C. Moss, Nanney, Parker, M.A. Pitts, Rice, Sandifer, G.R. Smith, Stringer, Toole, Umphlett, Whipper, Willis, Wylie and A.D. Young

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Introduced in the House on March 24, 2010

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

Summary: Sex offenders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑33

3/24/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑33

**VERSIONS OF THIS BILL**

[3/24/2010](file:///p:\pprever\2009-10\4774_20100324.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑537 SO TO PROHIBIT A REGISTERED SEX OFFENDER FROM ENTERING OR REMAINING IN A STATE PARK OR FACILITY UNDER THE JURISDICTION OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO PROVIDE A PENALTY; TO AMEND SECTION 51‑3‑70, RELATING TO RULES AND REGULATIONS FOR STATE PARKS, SO AS TO REQUIRE THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO ESTABLISH POLICIES FOR POSTING INFORMATION REGARDING UNSOLVED ATTACKS THAT OCCUR IN THE STATE PARKS; AND TO AMEND SECTION 51‑3‑145, AS AMENDED, RELATING TO CERTAIN ACTS WHICH ARE UNLAWFUL AT STATE PARKS, SO AS TO INCLUDE ENTERING A STATE PARK IF THE PERSON IS A REGISTERED SEX OFFENDER.

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

SECTION 1. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑537. It is unlawful for a person registered as a sex offender pursuant to the provisions of this article to enter or remain in a state park or facility under the jurisdiction of the Department of Parks, Recreation and Tourism. A registered sex offender who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than two hundred dollars or imprisoned for not more than thirty days.”

SECTION 2. Section 51‑3‑70 of the 1976 Code is amended to read:

“Section 51‑3‑70. (A) The Department of Parks, Recreation and Tourism may make ~~such~~ rules and regulations as it deems advisable for the protection, preservation, operation, use and maintenance and for the most beneficial service to the general public of the state parks in this State and as may be necessary to carry out the purposes of this chapter.

(B) The director of the department is directed to develop a policy regarding the posting of warnings to the public after an attack has occurred in a state park when the attack remains unsolved. The policy must include, but is not limited to, the size of the sign or notice that must be posted at the park where the attack occurred and the length of time the sign or notice must remain posted.”

SECTION 3. Section 51‑3‑145 of the 1976 Code, as last amended by Act 274 of 2002, is further amended to read:

“Section 51‑3‑145. It ~~shall be~~ is unlawful for ~~any~~ a person to commit ~~any~~ one of the following acts at ~~any~~ a park or facility under the jurisdiction of the Department of Parks, Recreation and Tourism:

(A) Destroying, defacing, disturbing, disfiguring, or removing ~~any~~ a part of any building, sign, structure, or equipment.

(B) Killing, harming, or harassing any mammal, bird, reptile, or amphibian, except by permit issued by the department or by permit issued by the South Carolina Department of Natural Resources for designated Game Management Areas.

(C) Hunting in any area, with the exception of those that may be designated as Game Management Areas.

(D) Destroying, cutting, breaking, removing, defacing, mutilating, injuring, taking or gathering any tree, shrub, other plant or plant part, rock, mineral, or geological feature except by permit issued by the department.

(E) Building ~~any~~ a fire in ~~any~~ a place other than those specifically designated for ~~such a~~ this purpose.

(F) Disposing of litter, garbage, or other refuse in places or receptacles other than those specifically provided for ~~such~~ this purpose. ~~Such~~ Unlawful disposing of litter, garbage, or refuse ~~shall include~~ includes:

(1) Dumping ~~any~~ refuse or waste from ~~any~~ a trailer or other vehicle except in places or receptacles provided for ~~such~~ this use.

(2) Cleaning fish~~,~~ or food~~,~~ or washing clothing~~,~~ or articles for household use in ~~any~~ a sink, or at ~~any~~ a faucet located in restrooms.

(3) Polluting or contaminating ~~any~~ water used for human consumption.

(4) Using park refuse containers or facilities for dumping household or commercial garbage or trash brought as ~~such~~ trash from private property.

(5) Depositing, except into receptacles provided for that purpose, ~~any~~ body waste~~,~~ or depositing any bottles, cans, clothes, rags, metal, wood, stone, or other damaging substance in ~~any~~ a fixture in ~~any~~ a restroom~~,~~ or other structure.

(G) Possessing any firearm, airgun, explosive, or firework, except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the department for use of firearms, airguns, fireworks, or explosives. Licensed hunters may have firearms in their possession during hunting seasons provided that ~~such~~ the firearms are unloaded and carried in a case or the trunk of a vehicle except that in designated game management areas where hunting is permitted, licensed hunters may use firearms for hunting in the manner authorized by law. This subsection ~~shall~~ does not apply to a person carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, and the concealable weapon and its ammunition.

(H) Operating vehicles in a reckless manner, or in excess of posted speed limits, or in areas other than those specifically intended for vehicular traffic. A violation of the following provisions ~~shall constitute~~ constitutes the unlawful operating of vehicles:

(1) Motorbikes, minibikes, mopeds, motorcycles, motor scooters, go‑carts and any other type motorized vehicle ~~shall~~ may not be driven in ~~any~~ an area or on ~~any~~ a trail not intended for their use. Only licensed motorized vehicles ~~shall be~~ are allowed on park roads.

(2) No motorized vehicle of any kind ~~shall be~~ is allowed on horse trails, hiking trails, or beach areas.

(3) Motor vehicles ~~shall~~ may not be driven on roads in developed recreation sites for ~~any~~ a purpose other than access into or egress out of the site.

(4) No motorized vehicle of any kind ~~shall~~ may be operated at any time without a muffler in good working order, or in ~~such~~ a manner so as to create excessive or unusual noise~~,~~ or annoying smoke~~,~~ or using a muffler cut‑off, by‑pass, or similar device.

(5) No person ~~shall~~ may excessively accelerate the engine of a motor vehicle or motorcycle when ~~such~~ the vehicle is not moving or is approaching or leaving a stopping place.

(6) Vehicles ~~shall~~ are not ~~be~~ permitted in a cabin or camping area unless the operator ~~thereof~~ is a registered guest within the area, except for the expressed intent of renting ~~such~~ the area or with prior permission of authorized park officials.

(I) Using privately owned boats or gasoline motors on ~~any~~ waters lying wholly within the boundaries of the park or facility, except in water where specifically authorized, and in ~~such~~ this case boat users shall obey all posted rules and regulations.

(J) Consuming or displaying in public ~~any~~ a beverage of alcoholic content, including beer and wine, except where specifically authorized by the department.

(K) Acting in a disorderly manner or creating ~~any~~ noise which would result in annoyance to others. Acting in a disorderly manner ~~shall include~~ includes inciting or participating in riots~~,~~ or indulging in boisterous, abusive, threatening, indecent, or disorderly conduct. In addition to other authorized penalty provisions, anyone in violation of this subsection may be ejected from the park and ~~shall~~ is not ~~be~~ entitled to a refund of ~~any~~ a fee or rental.

(L) Entering or remaining within the limits of the park or facility while in an intoxicated or drugged condition.

(M) Entering or remaining within the limits of a park or facility while registered as a sex offender pursuant to the provisions of Article 7, Chapter 3, Title 23.

(N) Operating or using an audio device, including radio, television, musical instruments, or any other noise producing devices, such as electrical generators, and equipment driven by motor engines~~,~~ in ~~such~~ a manner and at ~~such~~ times so as to disturb other persons and no person ~~shall~~ may operate or use ~~any~~ a public address system, whether fixed, portable, or vehicle mounted, except when ~~such~~ the use or operation has been approved by the department.

~~(N)~~(O) Engaging in or soliciting business within a park or facility except ~~where~~ when authorized by the department and no person ~~shall~~ may distribute, post, place, or erect any bills, notices, paper, or advertising device, or matter of any kind without consent of the department.

~~(O)~~(P) Swimming in areas not designated for the purpose and failing to obey all posted rules while swimming.

~~(P)~~(Q) Bringing a dog or ~~any other~~ another animal into the park or facility unless it is crated, caged, or upon a leash not longer than six feet or otherwise under physically restrictive control at all times. For this purpose:

(1) No person ~~shall~~ may keep in the park or retain in the park a noisy, vicious, or dangerous dog or animal, or one which is disturbing to other persons after he has been asked by a park official to remove ~~such~~ the animal.

(2) No person ~~shall~~ may bring saddle, pack, or draft animals into a site which has not been developed to accommodate them.

~~(Q)~~(R) Entering a facility or area without regard to restrictions on public use. These restrictions on public use ~~shall~~ must include the following provisions and a violation of ~~such~~ the provisions ~~shall be~~ are considered to be a violation of this subsection:

(1) Parks ~~shall~~ must be open during daylight hours except ~~where~~ when otherwise specifically authorized and no person ~~shall~~ may be admitted to or allowed to remain in the park after the designated closing hour except for the purpose of cabin rentals or camping unless ~~such~~ the person has permission of the department.

(2) No person shall make, use, or gain admittance to, or attempt to use, or gain admittance to facilities within ~~any~~ a park, for which a charge is made, without paying the fee.

(3) No person ~~shall~~ may remain within ~~any~~ a facility if he refuses to pay the required fee to enter and use the facility or service in a posted, designated fee area.

(4) No person ~~shall~~ may enter ~~any~~ a park, or ~~any~~ a park area, or facility when it is closed to the public.

(5) No person ~~shall willfully~~ wilfully may provide erroneous information for ~~any~~ a campsite or cabin registration.

(6) Minors under eighteen years of age ~~shall~~ may register for a cabin or campsite only as agents acting for their parent or guardian.

(7) No person or persons ~~shall~~ may occupy a campsite for a consecutive period longer than fourteen days without permission from the department.

(8) No person or persons ~~shall~~ may occupy a cabin or lodge room for a consecutive period longer than seven days without permission from the department.

~~(R)~~(S) No person ~~shall~~ may take fish from a lake, pond, or other waters wholly located within the boundary of a state park except in accordance with methods, limits, and times permitted by the department. The methods, limits, and times must be published and displayed in a conspicuous manner to provide notice to the visiting public. The articles and acts prohibited by this section ~~shall~~ must be published and displayed in conspicuous places so as to be available for visitors and employees.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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