**South Carolina General Assembly**

120th Session, 2013-2014

**A23, R34, H3568**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Weeks, Sandifer and Gilliard

Document Path: l:\council\bills\ms\7131ahb13.docx

Companion/Similar bill(s): 274, 3408

Introduced in the House on February 19, 2013

Introduced in the Senate on April 10, 2013

Last Amended on April 18, 2013

Passed by the General Assembly on April 24, 2013

Governor's Action: May 3, 2013, Signed

Summary: Altering, tampering with, or bypassing electric, gas, or water meters

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/19/2013 House Introduced and read first time ([House Journal‑page 46](file:///h%3A%5CHJ%20Archive%5C2013%5C02-19-13.docx))

 2/19/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 46](file:///h%3A%5CHJ%20Archive%5C2013%5C02-19-13.docx))

 2/27/2013 House Recalled from Committee on **Labor, Commerce and Industry** ([House Journal‑page 57](file:///h%3A%5CHJ%20Archive%5C2013%5C02-27-13.docx))

 2/27/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 57](file:///h%3A%5CHJ%20Archive%5C2013%5C02-27-13.docx))

 3/20/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 45](file:///h%3A%5CHJ%20Archive%5C2013%5C03-20-13.docx))

 3/21/2013 Scrivener's error corrected

 4/9/2013 House Member(s) request name added as sponsor: Gilliard

 4/9/2013 House Amended ([House Journal‑page 34](file:///h%3A%5CHJ%20Archive%5C2013%5C04-09-13.docx))

 4/9/2013 House Read second time ([House Journal‑page 34](file:///h%3A%5CHJ%20Archive%5C2013%5C04-09-13.docx))

 4/9/2013 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 40](file:///h%3A%5CHJ%20Archive%5C2013%5C04-09-13.docx))

 4/10/2013 House Read third time and sent to Senate ([House Journal‑page 10](file:///h%3A%5CHJ%20Archive%5C2013%5C04-10-13.docx))

 4/10/2013 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5CSJ%20Archive%5C2013%5C04-10-13.docx))

 4/10/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5CSJ%20Archive%5C2013%5C04-10-13.docx))

 4/10/2013 Scrivener's error corrected

 4/16/2013 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2013%5C04-16-13.docx))

 4/17/2013 Senate Amended ([Senate Journal‑page 28](file:///h%3A%5CSJ%20Archive%5C2013%5C04-17-13.docx))

 4/18/2013 Senate Amended ([Senate Journal‑page 16](file:///h%3A%5CSJ%20Archive%5C2013%5C04-18-13.docx))

 4/18/2013 Senate Read second time ([Senate Journal‑page 16](file:///h%3A%5CSJ%20Archive%5C2013%5C04-18-13.docx))

 4/18/2013 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 16](file:///h%3A%5CSJ%20Archive%5C2013%5C04-18-13.docx))

 4/23/2013 Senate Read third time and returned to House with amendments ([Senate Journal‑page 26](file:///h%3A%5CSJ%20Archive%5C2013%5C04-23-13.docx))

 4/24/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 104](file:///h%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 4/24/2013 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 104](file:///h%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 5/2/2013 Ratified R 34

 5/3/2013 Signed By Governor

 5/13/2013 Effective date 05/03/13

 5/13/2013 Act No. 23

**VERSIONS OF THIS BILL**

[2/19/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130219.docx)

[3/20/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130320.docx)

[3/21/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130321.docx)

[4/9/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130409.docx)

[4/10/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130410.docx)

[4/16/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130416.docx)

[4/17/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130417.docx)

[4/18/2013](file:///p%3A%5Cpprever%5C2013-14%5C3568_20130418.docx)

(A23, R34, H3568)

**AN ACT TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.**

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

**Altering or tampering with electric, gas, or water meters, penalties restructured, graduated penalties created**

SECTION 1. Section 16‑13‑385 of the 1976 Code is amended to read:

 “Section 16‑13‑385. (A) It is unlawful for an unauthorized person to alter, tamper with, or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas, or water.

 A meter found in a condition which would cause electricity, gas, or water to be diverted from the recording apparatus of the meter or to cause the meter to inaccurately measure the use of electricity, gas, or water or the attachment to a meter or distribution wire of any device, mechanism, or wire which would permit the use of unmetered electricity, gas, or water or would cause a meter to inaccurately measure the use is prima facie evidence that the person in whose name the meter was installed or the person for whose benefit electricity, gas, or water was diverted caused the electricity, gas, or water to be diverted from going through the meter or the meter to inaccurately measure the use of the electricity, gas, or water.

 (B) A person who violates the provisions of this section for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than five years, or both.

 (C) A person who violates the provisions of this section for profit or income on behalf of a person in whose name the meter was installed or a person for whose benefit electricity, gas, or water was diverted for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (D) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or results in the risk of great bodily injury or death from fire, explosion, or electrocution for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (E) A person who violates the provisions of this section and the violation results in:

 (1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

 (2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

 (F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.

 (G) A person who violates the provisions of this section for the purpose of growing or manufacturing controlled substances listed, or to be listed, in the schedules in Sections 44‑53‑190, 44‑53‑210, 44‑53‑230, 44‑53‑250, and 44‑53‑270 is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned for not more than ten years, or both.”

**Unlawful appropriation of gas, penalties restructured, graduated penalties created**

SECTION 2. Section 58‑7‑60 of the 1976 Code is amended to read:

 “Section 58‑7‑60. (A) It is unlawful for a person who has no contract, agreement, license or permission with or from a person or corporation authorized to manufacture, sell or use gas for the purpose of light, heat, or power or with or from an authorized agent of a person or corporation for the use of gas belonging to, or produced or furnished by, a person or corporation who shall wilfully withdraw or cause to be withdrawn in any manner and appropriate gas from the pipes or conduits of a person or corporation for his own use or for the use of another person or corporation.

 (B) A person who violates the provisions of this section for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than five years, or both.

 (C) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or results in the risk of great bodily injury or death from fire, explosion, or electrocution for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (D) A person who violates the provisions of this section and the violation results in:

 (1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

 (2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

 (E) Notwithstanding the provisions of this section, a person who aids, abets, or assists another person in withdrawing and appropriating gas from pipes or conduits to or for the use of another person or to or for the use of another person or corporation for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.”

**Wrongful use of gas and interference with gas meters, penalties restructured, graduated penalties created**

SECTION 3. Section 58‑7‑70 of the 1976 Code is amended to read:

 “Section 58‑7‑70. (A) It is unlawful for a person who has a contract, agreement, license or permission, oral or written, with or from a person or corporation authorized to manufacture, sell or use gas for the purpose of light, heat, or power or with or from an authorized agent of a person or corporation for the use of the gas belonging to, or produced or furnished by, a person or corporation for certain specified purposes who shall wilfully and intentionally withdraw, or cause to be withdrawn, gas in any manner and appropriate it to his own use or to the use of another person or corporation for purposes other than those specified.

 (B) It is unlawful for a person to whom gas is furnished from or by means of a meter who shall wilfully and with intention to cheat and defraud a person or corporation alter or interfere with a meter or by any contrivance whatsoever withdraw or take off gas in any manner except through a meter shall be punished as provided in Section 58‑7‑60(B).

 (C) A person who violates the provisions of this section for profit or income on behalf of a person in whose name the meter was installed or a person for whose benefit electricity, gas, or water was diverted for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (D) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or results in the risk of great bodily injury or death from fire, explosion, or electrocution for a:

 (1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

 (2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

 (3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

 (E) A person who violates the provisions of this section and the violation results in:

 (1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

 (2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

 (F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.”

**Savings clause**

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.

**Time effective**

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

Ratified the 2nd day of May, 2013.

Approved the 3rd day of May, 2013.

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