**South Carolina General Assembly**

120th Session, 2013-2014

**S. 92**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, S. Martin, Verdin, Grooms, Bryant and Bright

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Introduced in the Senate on January 8, 2013

Introduced in the House on March 21, 2013

Last Amended on March 19, 2013

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

Summary: NDAA Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 67](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 67](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/31/2013 Senate Referred to Subcommittee: S.Martin (ch), Hutto, Corbin

2/13/2013 Senate Committee report: Majority favorable with amend., minority unfavorable **Judiciary** ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2013\02-13-13.docx))

2/14/2013 Senate Motion For Special Order Failed ([Senate Journal‑page 36](file:///h:\SJ%20Archive\2013\02-14-13.docx))

2/14/2013 Senate Roll call Ayes‑19 Nays‑21 ([Senate Journal‑page 36](file:///h:\SJ%20Archive\2013\02-14-13.docx))

3/13/2013 Senate Special order, set for March 13, 2013 ([Senate Journal‑page 35](file:///h:\SJ%20Archive\2013\03-13-13.docx))

3/19/2013 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\03-19-13.docx))

3/19/2013 Senate Amended ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\03-19-13.docx))

3/19/2013 Senate Read second time ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\03-19-13.docx))

3/19/2013 Senate Roll call Ayes‑25 Nays‑15 ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\03-19-13.docx))

3/20/2013 Scrivener's error corrected

3/20/2013 Senate Read third time and sent to House ([Senate Journal‑page 32](file:///h:\SJ%20Archive\2013\03-20-13.docx))

3/21/2013 House Introduced and read first time ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\03-21-13.docx))

3/21/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\03-21-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\92_20121213.docx)

[2/13/2013](file:///p:\pprever\2013-14\92_20130213.docx)

[3/19/2013](file:///p:\pprever\2013-14\92_20130319.docx)

[3/20/2013](file:///p:\pprever\2013-14\92_20130320.docx)

COMMITTEE AMENDMENT AMENDED AND ADOPTED AND AMENDED

March 19, 2013

**S. 92**

Introduced by Senators Davis, S. Martin, Verdin, Grooms, Bryant and Bright

S. Printed 3/19/13--S. [SEC 3/20/13 12:30 PM]

Read the first time January 8, 2013.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-1-15, RELATING TO AGENCIES OF THE STATE, PUBLIC OFFICERS, AND EMPLOYEES, TO PROHIBIT ANY STATE AGENCY, OFFICER, OR EMPLOYEE OR ANY OFFICER OR EMPLOYEE OF A POLITICAL SUBDIVISION FROM AIDING THE DETENTION OF ANY UNITED STATES CITIZEN WITHOUT TRIAL BY THE UNITED STATES ARMED FORCES IN VIOLATION OF THE CONSTITUTION OF SOUTH CAROLINA.

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

SECTION 1. The General Assembly declares that authority for this act is the following:

(1) The Tenth Amendment to the United States Constitution provides that the United States federal government is authorized to exercise only those powers delegated to it in the Constitution.

(2) Article VI, Clause 2 of the Constitution of the United States provides that laws of the United States are the supreme law of the land provided that they are made in pursuance of the powers delegated to the federal government in the Constitution.

(3) Article I, Section 9, Clause 2 of the Constitution provides that the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

(4) The First Amendment provides that the Congress of the United States shall make no law prohibiting the right of the people to petition the government for a redress of grievances.

(5) The Fourth Amendment provides that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

(6) The Fifth Amendment provides that the people have a right to be free from deprivation of life, liberty, or property, without due process of law.

(7) The Sixth Amendment provides that the people have a right in criminal prosecutions to enjoy a speedy trial by an impartial jury in the state and district where the crime shall have been committed; to be informed of the nature and cause of the accusation; to confront witnesses; and to counsel.

(8) The Fourteenth Amendment provides that the people are to be free from deprivation of life, liberty, or property, without due process of law.

SECTION 2. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑15. No agency of the State, officer, or employee of this State, solely on official state duty, may engage in an activity that aids an agency of the armed forces of the United States in execution of 50 U.S.C. 1541, as provided by the National Defense Authorization Act for Fiscal Year 2012, or any subsequent provision of this law in the detainment of any citizen of the United States in violation of Section 3, Article I and Section 14, Article I of the South Carolina Constitution.”

SECTION 3. This act takes effect upon approval by the Governor.

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