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.

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 U.S. 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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