CHAPTER 11

Trespasses and Offenses

ARTICLE 1

General Provisions

**SECTION 10‑11‑10.** Walking on roof of State House.

 It shall be unlawful for any person, without the permission of the Department of Administration, to enter upon or walk upon the roof of the State House. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days on the public works of Richland County for each offense.

HISTORY: 1962 Code Section 1‑411; 1952 Code Section 1‑411; 1942 Code Section 1193; 1932 Code Section 1193; 1929 (36) 215; 1950 (46) 3605.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

CROSS REFERENCES

Trespass and unlawful use of property of others, generally, see Sections 16‑11‑510 et seq.

Library References

Trespass 79.

Westlaw Topic No. 386.

C.J.S. Trespass Sections 172, 179, 182.

**SECTION 10‑11‑20.** Unauthorized use of State House or grounds.

 It shall be unlawful to use the State House or grounds for any purpose not authorized by law. Any violation of the provisions of this section shall be punishable by imprisonment for a period not exceeding thirty days or by a fine of not over one hundred dollars.

HISTORY: 1962 Code Section 1‑412; 1952 Code Section 1‑412; 1942 Code Section 1195; 1932 Code Section 1195; 1931 (37) 150; 1959 (51) 60.

CROSS REFERENCES

Trespass and unlawful use of property of others, generally, see Sections 16‑11‑510 et seq.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

**SECTION 10‑11‑30.** Trespassing, damaging or defacing certain state property.

 It shall be unlawful for any person to trespass upon the grass plots or flower beds of the grounds of the State House or the Governor’s mansion, or of the grounds surrounding any of the State office buildings located in the area bounded by Assembly, Gervais, Bull, and Pendleton Streets in the city of Columbia, to damage or deface any of the buildings, or to cut down, deface, mutilate or otherwise injure any of the statues, trees, shrubs, grasses or flowers on the grounds or commit any other trespass upon any property of the State, real or personal, located thereon.

HISTORY: 1962 Code Section 1‑413; 1952 Code Sections 1‑413, 1‑415; 1942 Code Section 1194; 1932 Code Section 1194; Cr. C. ‘22 Section 84; Cr. C. ‘12 Section 243; Cr. C. ‘02 Section 187; R. S. 177; 1889 (20) 317; 1959 (51) 60.

CROSS REFERENCES

Trespass and unlawful use of property of others, generally, see Sections 16‑11‑510 et seq.

Library References

Trespass 78.

Westlaw Topic No. 386.

C.J.S. Trespass Section 176.

**SECTION 10‑11‑40.** Unlawful use of driveways and parking spaces on certain state property.

 It shall be unlawful for any person, except state officers and employees and persons having lawful business in the buildings, to use any of the driveways, alleys, or parking spaces upon any of the property of the State, bounded by Assembly, Gervais, Bull and Pendleton Streets in the city of Columbia, upon any regular weekday, Saturdays and holidays excepted, between the hours of eight‑thirty A. M. and five‑thirty P. M., whenever the buildings are open for business.

HISTORY: 1962 Code Section 1‑414; 1952 Code Section 1‑412; 1942 Code Section 1195; 1932 Code Section 1195; 1931 (37) 150; 1959 (51) 60.

Library References

Automobiles 11.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Section 32.

**SECTION 10‑11‑50.** Manner of parking on certain state property.

 It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the Department of Administration, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.

HISTORY: 1962 Code Section 1‑415; 1959 (51) 60; 1993 Act No. 181, Section 87; 2014 Act No. 121 (S.22), Pt V, Section 7.N, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.N, substituted “Department of Administration” for “State Budget and Control Board”.

CROSS REFERENCES

Regulation of parking, generally, see Section 56‑5‑2510 et seq.

Library References

Automobiles 12.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 10, 51 to 52, 54 to 58, 60 to 62.

NOTES OF DECISIONS

In general 1

First amendment rights 2

1. In general

Evidence, including evidence of interference with traffic on streets and sidewalks, sustained breach of the peace convictions arising out of demonstration against segregation laws and customs. State v. Edwards (S.C. 1961) 239 S.C. 339, 123 S.E.2d 247, certiorari granted 82 S.Ct. 1141, 369 U.S. 870, 8 L.Ed.2d 274, reversed 83 S.Ct. 680, 372 U.S. 229, 9 L.Ed.2d 697.

2. First amendment rights

Arrest, conviction, and punishment of group of Negroes for breach of the peace by marching peacefully on sidewalk around State House grounds to publicize their dissatisfaction with discriminatory actions against Negroes infringed their constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances. Edwards v. South Carolina (U.S.S.C. 1963) 83 S.Ct. 680, 372 U.S. 229, 9 L.Ed.2d 697.

**SECTION 10‑11‑60.** Speed limit and traffic regulations on certain state property.

 It shall be unlawful to operate a motor vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 at a speed in excess of ten miles per hour. All of the state laws regulating traffic upon the highways and streets shall apply to the operation of motor vehicles within the area, except as modified hereby.

HISTORY: 1962 Code Section 1‑416; 1959 (51) 60.

CROSS REFERENCES

Traffic regulation, generally, see Section 56‑5‑20 et seq.

Library References

Automobiles 11.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Section 32.

**SECTION 10‑11‑70.** Criminal laws in effect on certain state property.

 All of the general criminal laws of the State are hereby declared to be in full force and effect within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80.

HISTORY: 1962 Code Section 1‑417; 1959 (51) 60.

**SECTION 10‑11‑80.** Restricted parking in state parking lots in City of Columbia.

 (1) Parking lots which are situated on the property of the State shall be reserved for the employees of the State. The parking lots referred to by this section shall be policed by the Department of Public Safety and no person not authorized by this section shall be allowed to occupy such parking lots. Parking lots referred to in this section are confined to those located in the City of Columbia.

 (2) The parking lot located on the corner of Main and Senate Streets shall be reserved exclusively for members of the General Assembly, the clerks, chaplains, sergeants at arms, reading clerks of both houses and the Code Commissioner during such time as the legislature is in session, after which it shall be reserved as other state parking lots. The use of this lot by unauthorized persons shall constitute a misdemeanor, punishable as provided for in Section 10‑11‑120.

HISTORY: 1962 Code Section 1‑418; 1958 (50) 1713; 1959 (51) 60; 1993 Act No. 181, Section 88.

CROSS REFERENCES

Regulation of parking, generally, see Section 56‑5‑2510 et seq.

Library References

Automobiles 12.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 10, 51 to 52, 54 to 58, 60 to 62.

**SECTION 10‑11‑90.** Watchmen and policemen to have powers of constables on certain state property.

 The watchmen and policemen employed for the protection of the property described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80 are hereby vested with all of the powers, privileges, and immunities of constables while on this area or in fresh pursuit of those violating the law in this area, provided that such watchmen and policemen take and file the oath required of peace officers, execute and file bond in the form required of state constables, and be duly commissioned by the Governor.

HISTORY: 1962 Code Section 1‑419; 1952 Code Section 1‑414; 1942 Code Section 1194; 1932 Code Section 1194; Cr. C. ‘22 Section 84; Cr. C. ‘12 Section 243; Cr. C. ‘02 Section 187; R. S. 177; 1889 (20) 317; 1959 (51) 60; 2014 Act No. 121 (S.22), Pt V, Section 7.O, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.O, deleted “by the Budget and Control Board” after “employed”; deleted “, in the amount of one thousand dollars, with the Budget and Control Board” after “required of State constables”; and made other nonsubstantive changes.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

Attorney General’s Opinions

Any public building undergoing construction or renovation after January 1, 1975, must be designed in compliance with statutory specifications intended to assist handicapped persons. 1976 S.C. Op.Atty.Gen. 202, 1976 S.C. Op.Atty.Gen. No. 4368, (June 17, 1976) 1976 WL 22987.

**SECTION 10‑11‑100.** Other police officers to enforce laws on certain state property.

 In addition to the enforcement of Sections 10‑11‑30 to 10‑11‑70 and subsection (2) of Section 10‑11‑80 by the watchmen mentioned in Section 10‑11‑90, all lawful highway patrolmen and police officers of the city of Columbia may enforce the criminal laws of this State and the provisions of such sections and subsection within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80.

HISTORY: 1962 Code Section 1‑420; 1959 (51) 60.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

**SECTION 10‑11‑110.** Issuance and use of parking tickets.

 In connection with traffic and parking violations only, the watchmen and policemen referred to in Section 10‑11‑90, state highway patrolmen and policemen of the City of Columbia shall have the right to issue and use parking tickets of the type used by the City of Columbia, with such changes as are necessitated hereby, to be prepared and furnished by the Department of Administration, upon the issuance of which the procedures shall be followed as prevail in connection with the use of parking tickets by the City of Columbia. Nothing herein shall restrict the application and use of regular arrest warrants.

HISTORY: 1962 Code Section 1‑421; 1959 (51) 60; 2014 Act No. 121 (S.22), Pt V, Section 7.P, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.P, substituted “Department of Administration” for “Budget and Control Board”, and made other nonsubstantive changes.

CROSS REFERENCES

Traffic tickets, generally, see Section 56‑7‑10 et seq.

Library References

Automobiles 12.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 10, 51 to 52, 54 to 58, 60 to 62.

**SECTION 10‑11‑120.** Penalties.

 The violation of any of the provisions of Sections 10‑11‑40 to 10‑11‑60 and subsection (2) of Section 10‑11‑80 shall constitute a misdemeanor and, upon conviction thereof, the offender shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The penalties for violation of any of the other criminal laws of the State shall be as provided for by law.

HISTORY: 1962 Code Section 1‑422; 1959 (51) 60.

**SECTION 10‑11‑130.** Jurisdiction of city recorder and magistrate within area of certain state property.

 The recorder of the city of Columbia and the magistrate of the Columbia district are hereby separately vested with all jurisdiction necessary to hear, try and determine criminal cases involving any violations of Sections 10‑11‑30 to 10‑11‑120 where the punishment does not exceed a fine of one hundred dollars or imprisonment of thirty days.

HISTORY: 1962 Code Section 1‑423; 1952 Code Section 1‑414; 1942 Code Section 1194; 1932 Code Section 1194; Cr. C. ‘22 Section 84; Cr. C. ‘12 Section 243; Cr. C. ‘02 Section 187; R. S. 177; 1889 (20) 317; 1959 (51) 60.

Library References

Municipal Corporations 636.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 204 to 205.

**SECTION 10‑11‑140.** Permission to use State House grounds.

 Nothing contained in this article shall be construed to abridge the authority of the Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.

HISTORY: 1962 Code Section 1‑424; 1952 Code Section 1‑412; 1942 Code Section 1195; 1932 Code Section 1195; 1931 (37) 150; 1959 (51) 60; 2014 Act No. 121 (S.22), Pt V, Section 7.Q, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.Q, substituted “Department of Administration” for “State Budget and Control Board”, and made other nonsubstantive changes.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

**SECTION 10‑11‑150.** State House renovation, traffic control.

 In order to preserve public safety and provide appropriate staging space in the areas adjacent to the Capitol complex during the period of the State House Renovation Project, notwithstanding any provision of law or ordinance to the contrary, the Department of Transportation is empowered and directed to take appropriate steps regarding traffic routing and flow and pedestrian access in the area around the Capitol Complex as directed by the committee established by Section 2 of an act of 1995 bearing ratification no. 62.

HISTORY: 1995 Act No. 56, Section 2.

ARTICLE 3

Offenses on Capitol Grounds and in Capitol Building

**SECTION 10‑11‑310.** “Capitol grounds” defined.

 As used in this article, “capitol grounds” shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, Senate and Assembly Streets in the city of Columbia.

HISTORY: 1962 Code Section 1‑425; 1969 (56) 311.

**SECTION 10‑11‑315.** Defacing monuments on capitol grounds; penalty.

 It is unlawful for a person to wilfully and maliciously deface, vandalize, damage, or destroy or attempt to deface, vandalize, damage, or destroy any monument, flag, flag support, memorial, fence, or structure located on the capitol grounds and a person convicted of a violation of this section shall be punished pursuant to the provisions of Section 10‑11‑360.

HISTORY: 2000 Act No. 292, Section 8.

CROSS REFERENCES

Defacing war monuments and memorials, see Section 10‑1‑165.

Library References

Malicious Mischief 1.

Westlaw Topic No. 248.

C.J.S. Malicious or Criminal Mischief or Damage to Property Sections 1 to 2, 4 to 10.

**SECTION 10‑11‑320.** Carrying or discharging firearm; exception for concealable weapons’ permit holder.

 (A) It is unlawful for any person or group of persons to:

 (1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

 (2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

 (B) This section does not apply to a person who possesses a concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.

HISTORY: 1962 Code Section 1‑425.1; 1969 (56) 311; 2000 Act No. 237, Section 1; 2008 Act No. 337, Section 3.

CROSS REFERENCES

Other offenses connected with weapons, see Section 16‑23‑410 et seq.

Use and possession of machine guns, see Section 16‑23‑210 et seq.

Library References

Weapons 171.

Westlaw Topic No. 406.

Attorney General’s Opinions

City of Columbia Emergency Ordinance, which bans the carrying and brandishment of firearms and dangerous weapons on public property in a 250 foot zone extending from the boundaries of the Capitol grounds, is preempted by State law, and thus unconstitutional. S.C. Op.Atty.Gen. (July 20, 2015) 2015 WL 4596713.

**SECTION 10‑11‑325.** Possessing, transporting, detonating explosive or incendiary device; penalty.

 (A) It is unlawful for a person knowingly to possess, have readily accessible to the person, or transport by any means upon the capitol grounds or within the capitol building any explosive, destructive device, or incendiary device. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

 (B) It is unlawful for a person intentionally to detonate an explosive or destructive device or ignite any incendiary device upon the capitol grounds or within the capitol building. A person who violates this subsection is guilty of a felony and, upon conviction:

 (1) in cases resulting in the death of another person where there was malice aforethought, must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years;

 (2) in cases resulting in the death of another person where there was not malice aforethought, must be imprisoned not less than two years nor more than thirty years;

 (3) in cases resulting in injury to a person, must be imprisoned for not less than ten years nor more than twenty‑five years;

 (4) in cases resulting in damage to a building or other real or personal property, must be imprisoned for not less than two years nor more than twenty‑five years.

HISTORY: 2000 Act No. 237, Section 2.

CROSS REFERENCES

Violent crimes defined, see Section 16‑1‑60.

Library References

Explosives 4.

Westlaw Topic No. 164.

C.J.S. Explosives Sections 13, 20 to 22, 30, 33, 37, 41, 44, 49, 108 to 123.

**SECTION 10‑11‑330.** Unauthorized entry into capitol building; disorderly conduct, obstructing passage, demonstrating.

 It shall be unlawful for any person or group of persons wilfully and knowingly: (a) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or building; (c) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or (d) to parade, demonstrate, or picket within the capitol building.

HISTORY: 1962 Code Section 1‑425.2; 1969 (56) 311; 2014 Act No. 121 (S.22), Pt V, Section 7.R, eff July 1, 2015.

Effect of Amendment

2014 Act No. 121, Section 7.R, substituted “the Department of Administration regulations, respectively,” for “of the State Budget and Control Board”, and made other nonsubstantive changes.

CROSS REFERENCES

Burglary and housebreaking, generally, see Section 16‑11‑310 et seq.

Library References

Disorderly Conduct 107.

Westlaw Topic No. 129.

C.J.S. Disorderly Conduct Sections 1 to 4.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Disorderly Conduct Section 10, Particular Places.

**SECTION 10‑11‑340.** Performance of duties by officers or employees within capitol building.

 Nothing contained in this article prohibits any officer or employee or persons otherwise authorized and required to perform duties within the capitol building from performing their normal duties, including the carrying of firearms, except as may be limited by the rules of either House within their respective chambers.

HISTORY: 1962 Code Section 1‑425.3; 1969 (56) 311; 1996 Act No. 464, Section 9.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

**SECTION 10‑11‑350.** Peaceful entry by general public upon grounds and capitol building.

 Nothing contained in this article shall prohibit the normal, peaceful entry of the general public upon the grounds or within the capitol building, subject only to laws or rules governing that portion of the grounds which may be entered and the hours during which the capitol building shall be open.

HISTORY: 1962 Code Section 1‑425.4; 1969 (56) 311.

Library References

States 88.

Westlaw Topic No. 360.

C.J.S. States Section 261.

**SECTION 10‑11‑360.** Penalties.

 A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both. The penalties provided for in this section do not apply to Section 10‑11‑325.

HISTORY: 1962 Code Section 1‑425.5; 1969 (56) 311; 1993 Act No. 184, Section 150; 2000 Act No. 237, Section 3.