CHAPTER 7

Treason; Sabotage

**SECTION 25‑7‑10.** “Foreign government” defined.

The words “foreign government” as used in this chapter shall be deemed to include any government, faction or body of insurgents within a country with which the United States is at peace, whether such government, faction or body of insurgents has or has not been recognized by the United States as a government.

HISTORY: 1962 Code Section 44‑351; 1952 Code Section 44‑351; 1942 Code Section 1100‑7; 1940 (41) 1935.

Library References

Treason 1.

Westlaw Topic No. 384.

C.J.S. Treason Sections 2 to 3, 5.

**SECTION 25‑7‑20.** Obtaining or giving information respecting national or state defense.

(A) It is unlawful for a person, for the purpose of obtaining information respecting the national or state defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States or this State or to the advantage of a foreign nation to:

(1) go upon, enter, fly over, or otherwise obtain information concerning any:

(a) vessel, aircraft, work of defense, navy yard, naval base, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telephone, telegraph, wireless or signal station, building, office, or other place connected with the national or state defense owned or constructed or in progress of construction by the United States or any of its officers or agents within this State or by this State or any of its subdivisions or agencies; or

(b) place in this State in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States or with a firm on behalf of the United States;

(2) copy, take, make, or obtain or attempt, induce, or aid another to copy, take, make, or obtain any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national or state defense;

(3) receive or obtain from a person or from any source whatsoever any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note of anything connected with the national or state defense knowing or having reason to believe, at the time he receives, obtains, agrees, attempts, induces, or aids another to receive or obtain it that it has been or will be obtained, taken, made, or disposed of by a person contrary to the provisions of this chapter.

(B) It is unlawful for a person to:

(1) have possession of, access to, control over, or be entrusted with, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national or state defense and wilfully communicate, transmit, or attempt to communicate or transmit the same to a person not entitled to receive it or wilfully retains the same and fails to deliver it on demand to the officer or employee of the United States or this State, entitled to receive it;

(2) be entrusted with or have lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, or information relating to the national defense or state defense through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust or to be lost, stolen, obstructed, or destroyed.

(C) A person who violates the provisions of this section 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.

HISTORY: 1962 Code Section 44‑352; 1952 Code Section 44‑352; 1942 Code Section 1100‑1; 1940 (41) 1935; 1993 Act No. 184, Section 202.

CROSS REFERENCES

Treason against the State, see SC Const, Art 1, Section 17.

Library References

Treason 1.

Westlaw Topic No. 384.

C.J.S. Treason Sections 2 to 3, 5.

**SECTION 25‑7‑30.** Giving information respecting national or state defense to foreign contacts.

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or this State or to the advantage of a foreign nation, communicates, delivers or transmits or attempts or aids or induces another to communicate, deliver or transmit (a) to any foreign government, (b) or to any faction, party or military or naval force within a foreign country, whether recognized or unrecognized by the United States or (c) to any representative, officer, agent, employer, subject or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, model, note, instrument, appliance, map or information relating to the national or state defense shall be punished by imprisonment for not more than twenty years and when such violation hereof shall occur in time of war by death or by imprisonment for not more than thirty years.

HISTORY: 1962 Code Section 44‑353; 1952 Code Section 44‑353; 1942 Code Section 1100‑2; 1940 (41) 1935.

CROSS REFERENCES

Offenses specified in this section as exempt from classification of felonies and misdemeanors, see Section 16‑1‑10.

Treason against the State, see SC Const, Art 1, Section 17.

Library References

Treason 1.

Westlaw Topic No. 384.

C.J.S. Treason Sections 2 to 3, 5.

**SECTION 25‑7‑40.** Gathering information for an enemy.

Whoever in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish or communicate or attempt to elicit any information with respect to (a) the movement, numbers, description, condition or disposition of any of the armed forces, ships, aircraft or war materials of the United States or this State, (b) the plans or conduct or supposed plans or conduct of any naval or military operations or (c) any works or measures undertaken for, connected with or intended for the fortification or defense of any place or any other information relating to the public defense which might be useful to the enemy shall be punished by death or by imprisonment for not more than thirty years.

HISTORY: 1962 Code Section 44‑354; 1952 Code Section 44‑354; 1942 Code Section 1100‑2; 1940 (41) 1935.

CROSS REFERENCES

Offenses specified in this section as exempt from classification of felonies and misdemeanors, see Section 16‑1‑10.

Library References

Treason 6.

Westlaw Topic No. 384.

C.J.S. Treason Section 8.

**SECTION 25‑7‑50.** False reports; insubordination; obstruction of recruiting.

(A) When the United States is at war, it is unlawful for a person to wilfully:

(1) make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies;

(2) cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States; or

(3) obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

HISTORY: 1962 Code Section 44‑355; 1952 Code Section 44‑355; 1942 Code Section 1100‑3; 1940 (41) 1935; 1993 Act No. 184, Section 203.

Library References

Treason 1 to 8.

Westlaw Topic No. 384.

C.J.S. Treason Sections 2 to 9.

**SECTION 25‑7‑60.** Conspiracy.

If two or more persons conspire to violate the provisions of Sections 25‑7‑30, 25‑7‑40 or 25‑7‑50 and one or more of such persons does any act to effect the object of the conspiracy each of the parties to such conspiracy shall be punished as in said sections provided in case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under any of the provisions of this chapter other than Section 25‑7‑70 shall be punished by a fine of not more than ten thousand dollars or imprisonment for not more than two years, or both.

HISTORY: 1962 Code Section 44‑356; 1952 Code Section 44‑356; 1942 Code Section 1100‑4; 1940 (41) 1935.

CROSS REFERENCES

Conspiracy generally, see Section 16‑17‑410.

Library References

Conspiracy 28(3).

Treason 7.

Westlaw Topic Nos. 384, 91.

C.J.S. Conspiracy Sections 209 to 210, 213, 215 to 225, 241 to 243, 247, 249 to 250.

C.J.S. Rico (racketeer Influenced and Corrupt Organizations) Section 12.

**SECTION 25‑7‑70.** Sabotage.

Any employee, employer or other person who, wilfully and with a malicious intent to hinder the preparation of the United States for defense or war, physically injures or destroys any factory, industrial establishment or public utility engaged in the production of goods, articles or equipment for military use, any machinery contained in any such factory or industrial establishment or any goods, articles or equipment produced or in the process of being produced in such factory or industrial establishment for military use but not delivered shall be guilty of sabotage. The crime of sabotage as defined in this section shall be a felony and any person convicted thereof shall be punished by imprisonment in the State’s Prison for not more than ten years or a fine of not more than ten thousand dollars or both, in the discretion of the court.

HISTORY: 1962 Code Section 44‑357; 1952 Code Section 44‑357; 1942 Code Section 1100‑11; 1941 (42) 200.

Library References

Treason 1 to 8.

Westlaw Topic No. 384.

C.J.S. Treason Sections 2 to 9.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 2:46, South Carolina.

Employment Coordinator Labor Relations Section 40:80, Sabotage.

Employment Coordinator Labor Relations Section 62:206, Criminal Offenses.

**SECTION 25‑7‑80.** Concealing or harboring violator of chapter.

Whoever harbors or conceals any person whom he knows or has reasonable grounds to believe or suspect has committed or is about to commit an offense under any of the provisions of this chapter other than Section 25‑7‑70 shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than two years, or both.

HISTORY: 1962 Code Section 44‑360; 1952 Code Section 44‑360; 1942 Code Section 1100‑5; 1940 (41) 1935.

Library References

Treason 6.

Westlaw Topic No. 384.

C.J.S. Treason Section 8.

**SECTION 25‑7‑90.** Reports to Governor; arrests.

The Governor shall call upon all sheriffs, bonded peace officers, constables, detectives and officers and members of the National Guard especially to report to him any and all violations or suspected violations of the provisions of this chapter other than Section 25‑7‑70, and any of such sheriffs, bonded peace officers, constables, detectives and officers or members of the National Guard of this State shall arrest with or without warrant any person who may violate any of said provisions or may be found in such circumstances as reasonably to indicate that he has violated any such provision.

HISTORY: 1962 Code Section 44‑361; 1952 Code Section 44‑361; 1942 Code Section 1100‑8; 1940 (41) 1935.

Library References

Arrest 63.

Westlaw Topic No. 35.

C.J.S. Arrest Sections 9, 14 to 39, 42 to 44.

**SECTION 25‑7‑100.** Arrests without warrant.

If any person is arrested under Section 25‑7‑90 without a warrant, a warrant shall be obtained by the arresting officer, from a proper officer, within forty‑eight hours after such arrest and commitment.

HISTORY: 1962 Code Section 44‑362; 1952 Code Section 44‑362; 1942 Code Section 1100‑8; 1940 (41) 1935.

Library References

Arrest 63.

Westlaw Topic No. 35.

C.J.S. Arrest Sections 9, 14 to 39, 42 to 44.