

## Session 119 - (2011-2012)

**S\*0592 (Rat #0063, Act #0046 of 2011) General Bill, By Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford**

**Similar (H 3677)**

**Summary:** Offense of fraternization created

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25-1-10, RELATING TO THE STATE MILITARY CODE'S DEFINITIONS, SO AS TO DEFINE THE TERM "ORGANIZED MILITIA"; TO AMEND SECTION 25-1-40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25-1-60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25-1-70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL'S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25-1-120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25-1-340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25-1-635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25-1-830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25-1-1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25-1-2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM "STATE JUDGE ADVOCATE" MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25-1-2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25-1-2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25-1-2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25-1-2550, RELATING TO GENERAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2560, RELATING TO SPECIAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2570, RELATING TO SUMMARY COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE'S APPOINTMENT AUTHORITY; TO AMEND SECTION 25-1-2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT-MARTIAL PROCEEDINGS; TO AMEND SECTION 25-1-2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25-1-3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25-1-3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25-1-3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS. - ratified title

**02/22/11 Senate Introduced and read first time (Senate Journal-page 4)**

**02/22/11 Senate Referred to Committee on General (Senate Journal-page 4)**

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| 04/07/11 | Senate | Polled out of committee General (Senate Journal-page 11)                      |
| 04/07/11 | Senate | Committee report: Favorable General (Senate Journal-page 11)                  |
| 04/08/11 |        | Scrivener's error corrected   |
| 04/13/11 | Senate | Amended (Senate Journal-page 32)  |
| 04/14/11 |        | Scrivener's error corrected   |
| 04/19/11 | Senate | Read second time (Senate Journal-page 14)                                     |
| 04/19/11 | Senate | Roll call Ayes-37 Nays-3 (Senate Journal-page 14)                             |
| 04/20/11 | Senate | Read third time and sent to House (Senate Journal-page 15)                    |
| 04/26/11 | House  | Introduced and read first time (House Journal-page 20)                        |
| 04/26/11 | House  | Referred to Committee on Judiciary (House Journal-page 21)                    |
| 05/18/11 | House  | Committee report: Favorable with amendment Judiciary (House Journal-page 65)  |
| 05/24/11 | House  | Debate adjourned (House Journal-page 72)                                      |
| 05/24/11 | House  | Debate adjourned until Wednesday, May 25, 2011 (House Journal-page 112)       |
| 05/25/11 | House  | Amended (House Journal-page 84)   |
| 05/25/11 | House  | Read second time (House Journal-page 84)                                      |
| 05/25/11 | House  | Roll call Yeas-105 Nays-0 (House Journal-page 84)                             |
| 05/26/11 | House  | Read third time and returned to Senate with amendments (House Journal-page 7) |
| 05/26/11 | Senate | Concurred in House amendment and enrolled (Senate Journal-page 78)            |
| 05/27/11 | Senate | Roll call Ayes-27 Nays-2 (Senate Journal-page 78)                             |
| 06/01/11 |        | Ratified R 63   |
| 06/07/11 |        | Signed By Governor  |
| 06/20/11 |        | Effective date 06/07/11   |
| 06/20/11 |        | Act No. 46  |