COMMITTEE REPORT

January 30, 2019

**H. 3046**

Introduced by Reps. Pope, Bryant, Caskey, B. Newton, Wooten and Davis

S. Printed 1/30/19--H. [SEC 1/31/19 1:09 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3046) to amend the Code of Laws of South Carolina, 1976, by adding Article 5 to Chapter 8, Title 16 entitled “Terrorism”, to provide for the offense of furthering, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 ENTITLED “TERRORISM”, TO PROVIDE FOR THE OFFENSE OF FURTHERING TERRORISM, DEFINE THE ELEMENTS OF THE OFFENSE, AND TO PROVIDE A PENALTY; TO CREATE THE OFFENSE OF MATERIAL OR FINANCIAL SUPPORT OF AN ACT OF TERRORISM OR CONCEALMENT OF THE ACTIONS OR PLANS OF ANOTHER TO CARRY OUT AN ACT OF TERRORISM, DEFINE THE ELEMENTS OF THE OFFENSE, AND TO PROVIDE A PENALTY; AND TO PROVIDE FOR THE SEIZURE AND FORFEITURE OF REAL AND PERSONAL PROPERTY USED IN CONNECTION WITH AN OFFENSE CONTAINED IN THE ARTICLE.

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

SECTION 1. Chapter 8, Title 16 of the 1976 Code is amended by adding:

“Article 5

Terrorism

Section 16‑8‑510. (A) As used in this section, the term ‘act of violence’ means:

(1) an offense defined as a ‘violent crime’ pursuant to the provisions of Section 16‑1‑60; or

(2) any other felony offense provided by law that includes an assault, or use of violence or force against another person.

(B) Notwithstanding another provision of law, a person commits the offense of furthering terrorism if the person makes significant plans or takes actions toward the commission of an act of violence with the intent to commit an act of terrorism as defined in Section 16‑23‑710.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not more than thirty years. A violation of this section is considered a separate offense from another underlying offense and must be served consecutively to any sentence imposed on an underlying offense.

Section 16‑8‑520. (A) A person commits the offense of material or financial support of an act of terrorism or concealment of the actions or plans of another to carry out an act of terrorism who knowingly:

(1) raises, solicits, or collects material support or resources intending that the material support or resources be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism pursuant to the provisions of this article or Article 7, Chapter 23, against the United States or its citizens, this State or its citizens, or a political subdivision or any other entity of local government and whose intent is that the material support or resources raised, solicited, or collected will be used to further, finance, equip, or assist another person in committing an act of terrorism as provided herein;

(2) provides material support or resources to a person knowing that the person will use that support or resources in whole or in part, to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism pursuant to the provisions of this article or Article 7, Chapter 23, against the United States or its citizens, this State or its citizens, or a political subdivision or any other instrumentality of this State or of a local unit of government; or

(3) conceals the actions or plans of another person who he knows is engaged in an act of terrorism which is prohibited by the provisions of this article or Article 7, Chapter 23.

(B) The term ‘material support or resources’ as used in this section includes, but is not limited to, financial or monetary assets.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty years.

Section 16‑8‑530. All real and personal property of every kind used or intended for use in the course of, derived from, or realized through an offense punishable pursuant to this article is subject to lawful seizure and forfeiture to the State pursuant to the applicable provisions of Section 16‑23‑770.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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