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Indicates New Matter

COMMITTEE REPORT

February 3, 2021

**S. 131**

Introduced by Senator Massey

S. Printed 2/3/21--S. [SEC 2/4/21 12:25 PM]

Read the first time January 12, 2021.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 131) to amend Section 10-11-310 of the 1976 code, relating to the definition of “capitol grounds”, to define “capitol grounds” as that area inward from, etc., respectfully

**REPORT:**

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

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill defines the State’s capitol grounds as the area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly Streets in the City of Columbia, South Carolina. In addition, the bill amends within Title 10 – Public Buildings and Property references to “the capitol building” to “a building on the capitol grounds.” Further, the bill establishes that the sergeants of both the House of Representatives and the Senate are heads of law enforcement agencies and may request temporary assistance from state, local, or federal law enforcement agencies on matters within the scope of duties of their respective offices. These sergeants must employ deputies commissioned as constables, who, like other constables, will have the power to enforce the laws of the State.

**Senate.** The Senate indicates that its Sergeant at Arms officers currently possess State Constable credentials. While the bill also updates the definition of the capitol grounds and clarifies the legal authority of the House and Senate security officers, it does not fiscally impact the general fund, other funds, or federal funds of the agency.

**House of Representatives.** The House of Representatives indicates that its Sergeant at Arms officers currently possess State Constable credentials. While the bill also updates the definition of the capitol grounds and clarifies the legal authority of the House and Senate security officers, it does not fiscally impact the general fund, other funds, or federal funds of the agency.

**Department of Administration.** Department of Administration indicates this bill does not operationally or fiscally impact the agency. Therefore, this bill will have no expenditure impact on the general fund, other funds, or federal funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 10-11-310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF “CAPITOL GROUNDS”, TO DEFINE “CAPITOL GROUNDS” AS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA; TO AMEND SECTION 10-11-330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO A CAPITOL BUILDING AND RELATED PROVISIONS, TO PROVIDE THAT CERTAIN ACTS ARE UNLAWFUL IN ANY BUILDING ON THE CAPITOL GROUNDS; TO AMEND SECTION 10-1-30 OF THE 1976 CODE, RELATING TO THE USE OF AREAS OF THE STATE HOUSE, TO PROVIDE THAT ACCESS TO THE STATE HOUSE MAY NOT BE RESTRICTED OR PROHIBITED, AND TO PROVIDE EXCEPTIONS; AND TO AMEND SECTION 2-3-100 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SERGEANTS AT ARMS, TO PROVIDE FOR THE POWERS OF THE SERGEANT AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE FOR THE EMPLOYMENT OF THEIR DEPUTIES.

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

SECTION 1. Section 10-11-310 of the 1976 Code is amended to read:

“Section 10-11-310. As used in this article, ‘capitol grounds’ or ‘grounds’ shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, ~~Senate~~ Pendleton, and Assembly Streets in the city of Columbia.”

SECTION 2. Section 10-11-330 of the 1976 Code is amended to read:

“Section 10-11-330. It shall be unlawful for any person or group of persons wilfully and knowingly:

~~(a)~~(1) to enter or to remain within ~~the capitol building~~ a building on the capitol grounds 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~~ a building or of any hearing before or any deliberation of any committee or subcommittee of the legislature;

~~(b)~~(2) to obstruct or to impede passage within the capitol grounds or ~~building~~ a building on the capitol grounds;

~~(c)~~(3) to engage in any act of physical violence upon the capitol grounds or within the ~~capitol building~~ a building on the capitol grounds; or

~~(d)~~(4) to parade, demonstrate, or picket within the capitol building.”

SECTION 3. Section 10-1-30 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) On the days that the General Assembly meets in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior approval of the Senate Sergeant At Arms and the House of Representatives Sergeant At Arms. On the days that the General Assembly does not meet in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior consultation with the Senate Sergeant At Arms and the House of Representatives Sergeant At Arms. The provisions contained in this section do not apply in exigent circumstances; however, if access to the State House is restricted or prohibited due to exigent circumstances, then access must be restored as soon as practicable.”

SECTION 4. Section 2-3-100 of the 1976 Code is amended to read:

“Section 2-3-100. (A) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives shall take exclusive care and charge of the Senate chamber and the hall of the House of Representatives and the committee rooms, respectively, and be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them, packing such as may need packing and inspecting and caring for them during the recess of the General Assembly. The Sergeant At Arms of both houses shall employ such laborers and help as may be necessary to carry out the provisions of this section.

(B) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives are each the head of a law enforcement agency and are the primary law enforcement agency for the scope of duties of their respective offices. The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives may request temporary assistance from state, local, or federal law enforcement agencies on matters within the scope of duties of their respective offices.

(C) The Sergeant At Arms of the Senate and the Sergeant At Arms of the House of Representatives shall employ deputies who shall be commissioned as constables. The Sergeant At Arms of the Senate, the Sergeant At Arms of the House of Representatives, and their respective deputies shall be entitled to enforce the laws of this State and exercise the duties of their offices throughout the State.”

SECTION 5. This act takes effect upon approval by the Governor.

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