Amended

February 07, 2024

S. 245

Introduced by Senators Kimbrell and Hembree

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Read the first time March 07, 2023

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A bill

to amend the South Carolina Code of Laws by adding Section 59‑17‑170 so as to PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

 Amend Title To Conform

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

SECTION 1. Chapter 17, Title 59 of the S.C. Code is amended by adding:

 Section 59‑17‑170. (A) For the purposes of this section:

 (1) “Booster club” means a parent‑led organization, not directly controlled by a school or school district, that is formed with the primary purpose of raising funds for the school, school district programs, interscholastic athletics, or afterschool activities.

 (2) “Financial officer” means a person or persons who maintains custody of a booster club’s financial records and/or who has signatory authority on all of the booster club’s transactions, accounts, contracts, checks, or other instruments or undertakings of any kind.

 (B)(1) A person who was convicted of, or pled guilty or nolo contendere to, a felony, a violation of Chapter 13 of Title 16, or a violation of Chapter 14 of Title 16 is prohibited from serving as a financial officer of a booster club.

 (2) A financial officer who was convicted of, or who pled guilty or nolo contendere to, a crime identified in item (1) must immediately resign, and a new person must be assigned to that role within the booster club. A booster club is prohibited from disbursing funds for any purpose until a new person is designated as the financial officer.

 (C)(1) Each booster club within a school district or affiliated with a charter school must annually register with the school district board of trustees or charter school authorizer no later than August first. The registration shall include the name of the booster club, its purpose, the name of each of the booster club’s officers, including its designated financial officer, and other information required by the school district board of trustees or charter school authorizer. A booster club may be required by the school district board of trustees or charter school authorizer to submit an accounting compilation or review. A school district board of trustees or charter school authorizer may not require an external audit from a booster club except for a finding of specific cause determined by a majority vote of the board members or other governing body.

 (2) A booster club that fails to register by August first is prohibited from disbursing any funds for any purpose until registration has been completed.

 (D) Upon the receipt of a booster club’s registration, a school district board of trustees or charter school authorizer may request a state criminal records check, including fingerprints, from the South Carolina Law Enforcement Division of the financial officer. The school district board of trustees or charter school authorizer shall immediately notify a booster club if the criminal records check reveals that its financial officer is prohibited from serving in that role for the booster club pursuant to subsection (B).

SECTION 2. This act takes effect upon approval by the Governor.

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