**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3230**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Prefiled in the House on December 5, 2024

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Cemetery preservation and protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3230_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6‑1‑35, RELATING TO PRESERVATION AND PROTECTION OF CEMETERIES, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT CEMETERY OWNERS AND OPERATORS SHALL MAINTAIN, PRESERvE, AND PROTECT THE CEMETERY, AND TO PROVIDE ENFORCEMENT PROCEDURES.

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

SECTION 1. Section 6‑1‑35 of the S.C. Code is amended to read:

 Section 6‑1‑35. (A)(1) Counties and municipalities are authorized to maintain, preserve, and protect any cemetery located within its jurisdiction which the county or municipality determines has been abandoned or is not being maintained and are further authorized to expend public funds and use county or municipal inmate labor, in the manner authorized by law, in connection with the cemetery.

 (2) Notwithstanding another provision of law, each county and municipality of the State are authorized to provide by ordinance:

 (a) that the owner or operator of an active cemetery located in the county or municipality shall maintain, preserve, and protect the cemetery and keep it free of rubbish, debris, or any other unhealthy conditions that constitute a public nuisance, provided an ordinance enacted pursuant to this subsection may not be solely for aesthetic purposes; and

 (b) for notification from the designated county or municipal official to the cemetery owner or operator of the conditions needing correction, require the owner or operator take action as necessary to correct the conditions, provide the terms and conditions under which an employee of the county or municipality, or a person employed for that purpose, may enter the cemetery to correct the conditions, and provide that no more than the actual cost of the cemetery maintenance or clean up becomes a lien upon the cemetery and is collectable as a county or municipal tax.

 (B) As used in this section, the term “maintain, preserve, and protect” meansincludes, but is not limited to, all reasonable measure designed to keep the cemetery safe from destruction, peril, or other adversity, rubbish, debris, or unhealthy conditions, and may include the placement of signs, markers, fencing, or other appropriate features so as to identify the site as a cemetery and so as to aid in the maintenance, preservation, and protection of the abandoned cemetery.

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

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