COMMITTEE REPORT

February 4, 2010

**H. 3585**

Introduced by Reps. T.R. Young, Brantley, Spires, Allison, Bales, Bedingfield, Cole, Crawford, Delleney, Horne, McEachern, Merrill, Parker, Scott, G.R. Smith, Viers, A.D. Young and Erickson

S. Printed 2/4/10--H.

Read the first time February 19, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3585) to amend the Code of Laws of South Carolina, 1976, by adding Section 16‑3‑1065 so as to provide definitions for the terms “vehicle” and “false or secret compartment”, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety, as contained on pages 1 and 2, and inserting:

/ SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1065. (A) As used in this section:

(1) ‘Vehicle’ includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles, aircraft, helicopters, boats, ships, yachts, and other vessels.

(2) ‘False or secret compartment’ means an enclosure which is integrated into, or attached to, a vehicle and which is found to actually contain:

(a) an illegal controlled substance;

(b) an illegal firearm;

(c) a person concealed for unlawful purposes; or

(d) other contraband.

Examples of ‘false or secret compartments’ include, but are not limited to, false, altered, or modified fuel tanks, original factory equipment on a vehicle that has been modified, and any compartment, space, or box that is added or attached to existing compartments, spaces, or boxes of the vehicle.

(B) It is unlawful for a person to knowingly own or operate a vehicle containing a false or secret compartment.

(C) It is unlawful for a person to knowingly install, create, build, or fabricate in a vehicle a false or secret compartment.

(D) It is unlawful for a person to knowingly sell, trade, or otherwise dispose of a vehicle which is in violation of this section.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than two years, or both.” /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1065 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS “VEHICLE” AND “FALSE OR SECRET COMPARTMENT”, TO PROVIDE THAT IT IS UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, TO INSTALL A FALSE OR SECRET COMPARTMENT IN A VEHICLE, AND TO SELL OR TRADE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, AND TO PROVIDE A PENALTY.

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

SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1065. (A) As used in this section:

(1) ‘Vehicle’ includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles, aircraft, helicopters, boats, ships, yachts, and other vessels.

(2) ‘False or secret compartment’ means an enclosure which is integrated into, or attached to, a vehicle and whose purpose is to conceal, hide, or prevent discovery by law enforcement officers of:

(a) a person concealed for an unlawful purpose;

(b) controlled substances possessed illegally; or

(c) other contraband.

Examples of ‘false or secret compartments’ include, but are not limited to, false, altered, or modified fuel tanks, original factory equipment on a vehicle that has been modified, and any compartment, space, or box that is added or attached to existing compartments, spaces, or boxes of the vehicle.

(B) It may be inferred that a person intended to use a false or secret compartment if a person knowingly has a false or secret compartment which:

(1) conceals a person for an unlawful purpose;

(2) conceals a controlled substance in violation of the law;

(3) conceals other contraband;

(4) shows evidence of the previous concealment of a person for an unlawful purpose;

(5) shows evidence of the previous concealment of controlled substances in violation of the law; or

(6) shows evidence of previous concealment of other contraband.

(C) It is unlawful for a person to knowingly own or operate a vehicle containing a false or secret compartment.

(D) It is unlawful for a person to knowingly install, create, build, or fabricate in a vehicle a false or secret compartment.

(E) It is unlawful for a person to knowingly sell, trade, or otherwise dispose of a vehicle which is in violation of this section. (F) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than two years, or both.”

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

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