**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1494**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Thomas, Bryant and Fair

Document Path: l:\council\bills\ggs\22372zw12.docx

Companion/Similar bill(s): 4757

Introduced in the Senate on May 1, 2012

Currently residing in the Senate Committee on **Judiciary**

Summary: Assisting the Armed Forces in the investigation, prosecution, or detainment of a U.S. citizen

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/1/2012 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h:\sj%20archive\2012\05-01-12.docx))

5/1/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 3](file:///h:\sj%20archive\2012\05-01-12.docx))

**VERSIONS OF THIS BILL**

[5/1/2012](file:///p:\pprever\2011-12\1494_20120501.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑130 SO AS TO PROHIBIT A DEPARTMENT, DIVISION, AGENCY, BOARD, OR OTHER INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE, ITS OFFICERS OR EMPLOYEES, INCLUDING MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD OR STATE MILITIA, FROM ASSISTING THE ARMED FORCES OF THE UNITED STATES, OR AN AGENCY OF IT, IN THE INVESTIGATION, PROSECUTION, OR DETAINMENT OF A UNITED STATES CITIZEN IN VIOLATION OF THE CONSTITUTION OF THIS STATE.

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

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

“Section 1‑1‑130. (A) Notwithstanding another provision of law, a department, division, agency, board, or other instrumentality or political subdivision of the State, its officers or employees while acting in an official capacity, including members of the South Carolina National Guard or State Militia while serving on official state duty, may not engage in an activity that aids the Armed Forces of the United States, or an agency of it, in the execution of 50 U.S.C. 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012 in the investigation, prosecution, or detainment of a citizen of the United States in violation of the Constitution of South Carolina, 1895.

(B) The provisions of this section do not apply to state or local law enforcement, or to the South Carolina National Guard or State Militia while participating as members of a joint task force, partnership, or other cooperative agreement that is not engaged in apprehensions or detentions of United States citizens pursuant to 50 U.S.C. 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012.”

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

‑‑‑‑XX‑‑‑‑