~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 1, 2012

**H. 3248**

Introduced by Reps. Sottile and Viers

S. Printed 2/1/12--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3248) to amend Sections 2‑17‑150 and 8‑13‑320, as amended, Code of Laws of South Carolina, 1976, relating to the statutes of limitations for prosecuting, 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 striking all after the enacting words and inserting:

/ SECTION 1. Section 2‑17‑150 of the 1976 Code is amended to read:

“Section 2‑17‑150. A prosecution for a violation of the provisions of this chapter must be commenced no later than four years after the date the violation is alleged to have occurred unless a person, who by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, a prosecution may also be commenced within three years after the person leaves public office or employment.”

SECTION 2. Section 8‑13‑320(9)(d) of the 1976 Code is amended to read:

“(d) Action may not be taken on a complaint filed more than four years after the public official, public employee, or public member leaves office or, for all other entities regulated by the State Ethics Commission, four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, an action also may be commenced within three years after the person leaves public office or employment. The Attorney General may initiate an action to recover a fee, compensation, gift or profit received by a person as a result of a violation of the chapter no later than one year after a determination by the commission that a violation of this chapter has occurred.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTIONS 2‑17‑150 AND 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTES OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS, SO AS TO ALLOW ACTIONS TO BE COMMENCED UNTIL FOUR YEARS AFTER A PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR PUBLIC MEMBER LEAVES OFFICE.

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

SECTION 1. Section 2‑17‑150 of the 1976 Code is amended to read:

“Section 2‑17‑150. A prosecution for a violation of the provisions of this chapter must be commenced no later than four years after the date the violation is alleged to have occurred unless a person, who by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, a prosecution may also be commenced within four years after the person leaves public office or employment.”

SECTION 2. Section 8‑13‑320(9)(d) of the 1976 Code is amended to read:

“(d) Action may not be taken on a complaint filed more than four years after the public official, public employee, or public member leaves office or, for all other entities regulated by the State Ethics Commission, four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, an action also may be commenced within four years after the person leaves public office or employment. The Attorney General may initiate an action to recover a fee, compensation, gift or profit received by a person as a result of a violation of the chapter no later than one year after a determination by the commission that a violation of this chapter has occurred.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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