**South Carolina General Assembly**

122nd Session, 2017-2018

**A182, R198, S131**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McLeod, Hutto, Jackson, Kimpson, M.B. Matthews, Fanning, Shealy, Senn and Malloy

Document Path: l:\council\bills\agm\18989wab17.docx

Companion/Similar bill(s): 3794

Introduced in the Senate on January 10, 2017

Introduced in the House on April 18, 2017

Last Amended on April 5, 2017

Passed by the General Assembly on May 10, 2018

Governor's Action: May 17, 2018, Signed

Summary: Disturbing schools

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/13/2016 Senate Prefiled

 12/13/2016 Senate Referred to Committee on **Judiciary**

 1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 77](file:///h%3A%5Csj%5C20170110.docx))

 1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 77](file:///h%3A%5Csj%5C20170110.docx))

 2/7/2017 Senate Referred to Subcommittee: Hutto (ch), Timmons, Rice

 3/22/2017 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20170322.docx))

 3/23/2017 Scrivener's error corrected

 4/5/2017 Senate Amended ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170405.docx))

 4/5/2017 Senate Read second time ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170405.docx))

 4/5/2017 Senate Roll call Ayes‑33 Nays‑8 ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170405.docx))

 4/6/2017 Scrivener's error corrected

 4/6/2017 Senate Read third time and sent to House ([Senate Journal‑page 114](file:///h%3A%5Csj%5C20170406.docx))

 4/18/2017 House Introduced and read first time ([House Journal‑page 5](file:///h%3A%5Chj%5C20170418.docx))

 4/18/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 5](file:///h%3A%5Chj%5C20170418.docx))

 5/3/2018 House Committee report: Favorable **Judiciary** ([House Journal‑page 44](file:///h%3A%5Chj%5C20180503.docx))

 5/9/2018 House Read second time ([House Journal‑page 80](file:///h%3A%5Chj%5C20180509.docx))

 5/9/2018 House Roll call Yeas‑102 Nays‑2 ([House Journal‑page 80](file:///h%3A%5Chj%5C20180509.docx))

 5/10/2018 House Read third time and enrolled ([House Journal‑page 19](file:///h%3A%5Chj%5C20180510.docx))

 5/14/2018 Ratified R 198

 5/17/2018 Signed By Governor

 5/24/2018 Effective date 05/17/18

 5/31/2018 Act No. 182

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**VERSIONS OF THIS BILL**

[12/13/2016](file:///p%3A%5Cpprever%5C2017-18%5C131_20161213.docx)

[3/22/2017](file:///p%3A%5Cpprever%5C2017-18%5C131_20170322.docx)

[3/23/2017](file:///p%3A%5Cpprever%5C2017-18%5C131_20170323.docx)

[4/5/2017](file:///p%3A%5Cpprever%5C2017-18%5C131_20170405.docx)

[4/6/2017](file:///p%3A%5Cpprever%5C2017-18%5C131_20170406.docx)

[5/3/2018](file:///p%3A%5Cpprever%5C2017-18%5C131_20180503.docx)

(A182, R198, S131)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑425 SO AS TO PROVIDE IT IS UNLAWFUL FOR SCHOOL OR COLLEGE STUDENTS TO MAKE THREATS TO TAKE THE LIVES OF OR TO INFLICT BODILY HARM UPON OTHERS BY USING ANY FORM OF COMMUNICATION WHATSOEVER, AND TO PROVIDE THE SECTION MAY NOT BE CONSTRUED TO REPEAL, REPLACE, OR PRECLUDE APPLICATION OF ANY OTHER CRIMINAL STATUTE; AND TO AMEND SECTION 16‑17‑420, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO PROVIDE A DELINEATED LIST OF THOSE ACTIONS WHICH CONSTITUTE A VIOLATION, TO LIMIT ITS APPLICATION TO ACTIONS BY PERSONS WHO ARE NOT STUDENTS, TO DEFINE NECESSARY TERMINOLOGY, TO REVISE THE PENALTY FOR A VIOLATION OF A DISTURBING SCHOOLS OFFENSE, AND TO ELIMINATE JURISDICTION OF SUMMARY COURTS AND FAMILY COURTS.**

Whereas, recent reports indicate there has been an increase in the number of South Carolina students arrested for disturbing schools; and

Whereas, it is in the best interest of all South Carolinians that all students be given every opportunity to succeed in South Carolina’s school systems. Now, therefore,

Be it resolved that educators and school administrators throughout the State are urged to exhaust all avenues of behavioral discipline in accordance with the school’s code of conduct prior to requesting the involvement of law enforcement officials. Similarly, law enforcement officials are urged to seek the normal standards of proof when enforcing the criminal laws of this State on school grounds. Law enforcement officials should also maintain and apply officer discretion when enforcing the criminal laws of this State on school grounds.

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

**School disturbances by nonstudents**

SECTION 1. Section 16‑17‑420 of the 1976 Code is amended to read:

 “Section 16‑17‑420. (A) It is unlawful for a person who is not a student to wilfully interfere with, disrupt, or disturb the normal operations of a school or college in this State by:

 (1) entering upon school or college grounds or property without the permission of the principal or president in charge;

 (2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate;

 (3) initiating a physical assault on, or fighting with, another person on school or college grounds or property;

 (4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct;

 (5) threatening physical harm to a student or a school or college employee while on school or college grounds or property; or

 (6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat.

 (B) For the purpose of this section, ‘person who is not a student’ means a person who is not enrolled in, or who is suspended or expelled from, the school or college that the person interferes with, disrupts, or disturbs at the time the interference, disruption, or disturbance occurs.

 (C) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both.”

**Student threats**

SECTION 2. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

 “Section 16‑17‑425. (A) It is unlawful for a student of a school or college in this State to make threats to take the life of or to inflict bodily harm upon another by using any form of communication whatsoever.

 (B) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other criminal statute.”

**Savings**

SECTION 3. 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.

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 17th day of May, 2018.

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