~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2018

**H. 4403**

Introduced by Reps. Pope, Clyburn and Bryant

S. Printed 3/7/18--H.

Read the first time January 9, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4403) to amend Section 16‑11‑600, Code of Laws of South Carolina, 1976, relating to trespassing and the posting of notice of trespassing, 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 language and inserting:

/ SECTION 1. Section 16‑11‑600 of the 1976 Code is amended to read:

“Section 16‑11‑600. (A) Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant has been posted prohibiting such entry, ~~shall be~~ is a misdemeanor and must be punished by a fine of not ~~to exceed~~ more than one hundred dollars~~,~~ or by imprisonment ~~with hard labor on the public works of the county for~~ not ~~exceeding~~ more than thirty days. ~~When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.~~

(B) The owner or tenant of any lands may accomplish the required posting of notice as follows:

(1) by posting a notice in four conspicuous places on the borders of such land prohibiting entry thereon; or

(2) by marking boundaries with a clearly visible purple‑painted marking, consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are not more than one hundred yards apart and readily visible to any person approaching the property.

(C) When any owner of tenant of any lands shall post a notice as provided in this section, a proof of the posting is deemed and taken as notice conclusive against the person making entry for the purpose of trespassing.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 16‑11‑600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE‑PAINTED BOUNDARIES.

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

SECTION 1. Section 16‑11‑600 of the 1976 Code is amended to read:

“Section 16‑11‑600. (A) Every entry upon the lands of another where any horse, mule, cow, hog, or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, ~~shall be~~ is a misdemeanor and must be punished by a fine of not ~~to exceed~~ more than one hundred dollars~~,~~ or by imprisonment ~~with hard labor on the public works of the county for~~ not ~~exceeding~~ more than thirty days. When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting ~~shall be~~ is deemed and taken as notice conclusive against the person making entry~~, as aforesaid,~~ for the purpose of trespassing.

(B) In lieu of the posting of notice provided in subsection (A), the owner or tenant of any land may mark boundaries with a clearly visible purple‑painted marking, consisting of one vertical line no less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are no more than one hundred feet apart and readily visible to any person approaching the property. Signs also must be posted at all roads, driveways, or gates of entry onto the posted land so as to be clearly noticeable from outside the boundary line.”

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

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