**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 45**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on January 8, 2019

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

Summary: Hindering a law enforcement officer

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2018 Senate Prefiled

12/12/2018 Senate Referred to Committee on **Judiciary**

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 59](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 59](file:///h:\sj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=45&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\45_20181212.docx)

**A** **BILL**

TO AMEND SECTION 16-5-50 OF THE 1976 CODE, RELATING TO HINDERING A LAW ENFORCEMENT OFFICER, TO PROVIDE THAT A PERSON WHO HINDERS A LAW ENFORCEMENT OFFICER IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE THAT SUCH AN OFFENSE DOES NOT APPLY TO A PERSON WHO PHOTOGRAPHS OR RECORDS A LAW ENFORCEMENT OFFICER PERFORMING THE OFFICER’S OFFICIAL DUTIES WHILE THE OFFICER IS IN A PUBLIC PLACE OR THE PERSON IS IN A PLACE THE PERSON HAS THE RIGHT TO OCCUPY.

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

SECTION 1. Section 16‑5‑50 of the 1976 Code is amended to read:

“Section 16‑5‑50. (A)(1) ~~Any~~ A person ~~who~~ shall not:

(a) hinder, prevent, or obstruct ~~any~~ a law enforcement officer or other person charged with the execution of ~~any~~ a warrant or other process issued ~~under the provisions of~~ pursuant to this chapter in arresting ~~any~~ a person for whose apprehension such warrant or ~~other~~ process may have been issued~~,~~;

(b) rescue or attempt to rescue such person from the custody of the officer or person ~~or persons~~ lawfully assisting ~~him~~ the officer~~, as aforesaid,~~;

(c) aid, abet, or assist ~~any~~ a person so arrested, ~~as aforesaid,~~ directly or indirectly, to escape from the custody of the officer or person ~~or persons~~ assisting ~~him~~ the officer~~, as aforesaid,~~; or

(d) harbor or conceal ~~any~~ a person for whose arrest a warrant or other process ~~shall have~~ has been issued, so as to prevent ~~his~~ the person’s discovery and arrest, after notice or knowledge of the ~~fact of the~~ issuing of such warrant or ~~other~~ process~~, shall, on conviction for any such offense, be subject to a fine of~~.

(2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than three thousand dollars or ~~imprisonment~~ imprisoned for not more than three years, or both~~, at the discretion of the court having jurisdiction~~.

(B)(1) If a person is exercising his right to photograph or record a law enforcement officer performing the officer’s duties while the officer is in a public place or public view, or the person is in a private place that the person has the right to occupy, an officer shall not:

(a) intentionally hinder, prevent, or obstruct the person from taking a photograph or making a recording;

(b) detain, arrest, threaten, intimidate, or otherwise harass the person;

(c) search or seize the photograph, recording, or device used to create the photograph or recording without the person’s permission or a warrant; or

(d) damage or destroy the photograph, recording, or device used to create the photograph or recording.

(2) This subsection does not apply to a person if an officer is in the act of placing the person under arrest or if the person is under arrest.

(3) If an officer violates this subsection, the person has a civil cause of action against the officer and the officer’s law enforcement agency.”

SECTION 2. Section 16‑9‑320 of the 1976 Code is amended to read:

“Section 16‑9‑320. (A)(1) It is unlawful for a person knowingly and wilfully to oppose or resist a law enforcement officer in serving, executing, or attempting to serve or execute a legal writ or process or to resist an arrest being made by one whom the person knows or reasonably should know is a law enforcement officer, whether under process or not.

(2) A person who violates ~~the provisions of~~ this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not more than one year, or both.

(B)(1) It is unlawful for a person to knowingly and wilfully assault, beat, or wound a law enforcement officer engaged in serving, executing, or attempting to serve or execute a legal writ or process or to assault, beat, or wound an officer when the person is resisting an arrest being made by one whom the person knows or reasonably should know is a law enforcement officer, whether under process or not.

(2) A person who violates ~~the provisions of~~ this subsection is guilty of a felony, and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned not more than ten years, or both.

(C)(1) If a person is exercising his right to photograph or record a law enforcement officer performing the officer’s duties while the officer is in a public place or public view, or the person is in a private place that the person has the right to occupy, an officer shall not:

(a) intentionally hinder, prevent, or obstruct the person from taking a photograph or making a recording;

(b) detain, arrest, threaten, intimidate, or otherwise harass the person;

(c) search or seize the photograph, recording, or device used to create the photograph or recording without the person’s permission or a warrant; or

(d) damage or destroy the photograph, recording, or device used to create the photograph or recording.

(2) This subsection does not apply to a person if an officer is in the act of placing the person under arrest or if the person is under arrest.

(3) If an officer violates this subsection, the person has a civil cause of action against the officer and the officer’s law enforcement agency.”

SECTION 3. This act takes effect upon approval by the Governor.

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