**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4641**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Mitchell, Guffey, Leber, West, Gilliam, Pope and Sessions

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Introduced in the House on January 9, 2024

Currently residing in the House

Summary: Military courts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/14/2023 House Prefiled

12/14/2023 House Referred to Committee on **Judiciary**

1/9/2024 House Introduced and read first time ([House Journal‑page 106](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 106](h:\hj\20240109.docx))

1/9/2024 House Member(s) request name added as sponsor: West

1/10/2024 Scrivener's error corrected

1/25/2024 House Member(s) request name added as sponsor: Gilliam

2/6/2024 House Member(s) request name added as sponsor: Pope,
Sessions

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4641&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4641_20231214.docx)

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4641_20240110.docx)

A joint Resolution

PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 38 SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY BY LAW MAY ESTABLISH MILITARY COURTS TO PRESERVE AND MAINTAIN GOOD ORDER AND DISCIPLINE WITHIN THE STATE’S ORGANIZED MILITIA; AND BY PROPOSING AN AMENDMENT TO SECTION 11, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO PRESENTMENTS AND INDICTMENTS, SO AS TO PROVIDE THAT MILITARY COURTS, AS MAY BE ESTABLISHED BY LAW BY THE GENERAL ASSEMBLY, ARE EXEMPT FROM THE PRESENTMENT AND INDICTMENT REQUIREMENT IN THE SAME MANNER AS THE MAGISTRATE COURTS OF THIS STATE.

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

SECTION 1. It is proposed that Article III of the Constitution of this State be amended by adding:

Section 38. The General Assembly by law may establish military courts to preserve and maintain good order and discipline within the organized militia of this State.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article III of the Constitution of this State, relating to the Legislative Department,be amended so as to provide that the General Assembly by law may establish military courts to preserve and maintain good order and discipline within the organized militia of this State?

Yes o

No o

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 11, Article I of the Constitution of this State be amended to read:

Section 11. No person may be held to answer for any crime the jurisdiction over which is not within the magistrate’s court nor that of any military court established by the General Assembly, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The General Assembly may provide for the waiver of an indictment by the accused. Nothing contained in this Constitution is deemed to limit or prohibit the establishment by the General Assembly of a state grand jury with the authority to return indictments irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide.

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 11, Article I of the Constitution of this State, relating to presentments and indictments,be amended so as to provide that military courts as may be established by law by the General Assembly are exempt from the presentment and indictment requirement in the same manner as the magistrate courts of this State?

Yes o

No o

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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