



The 124th South Carolina General Assembly convened on January 12, 2021 to begin the first year of its two-year legislative session. The General Assembly concluded its regular session on May 13, 2021.

The General Assembly will return in June for matters including the budget, conference committee reports and Governor vetoes, and a few additional matters. In addition, the General Assembly will return in the fall to take up redistricting, which occurs following each census.

Below is a summary of the legislation that the ACLU of South Carolina engaged on during this session.

Safe and Just Communities

To build safe and just communities, South Carolina must build a public safety system that ensures and protects the basic rights of all and recognizes and addresses the harms created by its racist and exploitative history – harms that continue to this day.

Abolishing South Carolina’s Racist, Arbitrary, and Error-Prone Death Penalty System

- Position: Oppose
- Bill Number(s): S.200 (Sen. Hembree)
- Bill Summary: S.200 makes the electric chair the default method of execution in South Carolina if the director of SCDC certifies lethal injection is not available. The bill also adds the firing squad as a method of execution.
- Why we Opposed:
 - South Carolina has sent multiple innocent people to its death row.
 - South Carolina’s death penalty is applied arbitrarily.
 - South Carolina’s death penalty system is modern-day lynching.
- Bill Outcome: S.200 passed the House and Senate and was signed by the Governor. The death penalty is modern-day lynching. We will not stop until it is abolished.
- Learn More: Read our fact sheet [here](#).

Reining in Policing for Profit

- Position: Support
- Bill Number(s): H. 3619 (Rep. Pope)
- Bill Summary: H.3619 would eliminate civil asset forfeiture (replacing it with the criminal forfeiture process in all instances), require transparency in the criminal asset forfeiture process, and protect innocent property owners.
- Why we Supported:
 - Civil asset forfeiture disproportionately harms South Carolina's most vulnerable;
 - Civil asset forfeiture incentivizes the pursuit of profit over the fair administration of justice;
 - Civil asset forfeiture turns the presumption of innocence on its head by forcing property owners to defend their property’s “innocence.”
- Bill Outcome: H.3619 had a hearing in the House Judiciary Criminal Laws Subcommittee. Further action on the bill is on hold until the outcome of a South Carolina Supreme Court case on the same issue (*Richardson v. \$20,771 in U.S. Currency*). (Note: ACLU of South Carolina submitted an amicus brief in *Richardson*.)
- Learn More: Read our fact sheet [here](#).

Eliminating Inhuman and Counterproductive Punishments

- Position: Support
- Bill Number(s): H.3623 (Rep. Murphy) (Similar to S.170 (Sen. Allen))
- Summary: Reduces the percentage of time an incarcerated person who has committed a “no parole offense” must serve from eighty-five to sixty-five percent for certain drug offenses. The bill would also revise the penalties and weight presumptions and eliminate mandatory minimum sentences relating to certain drug offenses.
- Why We Supported:
 - This legislation would reduce sentences for most drug offenses and eliminate mandatory minimum penalties relating to drug offenses, which would represent a positive move towards decarceration.
- Bill Outcome: H.3623 passed through the House and is now in the Senate Corrections and Penology Committee.
- Learn More: Read our op ed [here](#).

Eliminating Inhuman and Counterproductive Punishments

- Position: Support, with Amendment
- Bill Number(s): H.3010 (Rep. Weeks)
- Summary: This legislation would, with limited exceptions, ensure that full credit will be granted against a sentence for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest or global positioning system (GPS) monitoring.
- Why We Supported:
 - The legislation would ensure that people are granted credit for time served while on home detention, which allows people to maintain employment, relationships with family, and much more.
 - This legislation should be amended to ensure that indigent people have the same access to GPS monitoring, regardless of ability to pay, thus enabling South Carolina to begin to roll back its two-tiered justice system that deprives people with fewer resources a chance at equal justice under the law.
- Bill Outcome: H.3010 remains in the House Judiciary Committee.

Ensuring People are Judged on their Merits, not Mistakes

- Position: Support
- Bill Number(s): S.295 (Sen. Climer and Sen. Fanning)
- Bill Summary: S.295 would ensure that professional regulatory boards or commissions may not deny applications for professional licenses due to prior criminal convictions unless the conviction is directly related to the profession. Further, the bill establishes a clear standard for review and criteria for consideration of criminal records by regulatory boards or commissions.

- Why we Supported:
 - Second chances strengthen the safety of our communities.
 - Second chance legislation makes economic sense.
 - Second chance legislation ensures South Carolina may deny a license to those whose criminal conviction is related to the job.
 - The staggering racial bias in the enforcement of our criminal laws means the collateral harms of a criminal conviction fall on Black people.
- Bill Outcome: S.295 was carried over Senate Labor, Commerce and Industry Committee.
- Learn More: Read our fact sheet [here](#).

Reducing the Size, Scope, and Role of Policing

- Position: Amend
- Bill Number(s): H.3050 (Rep. Moss)
- Bill Summary: H.3050 would require non-certified law enforcement officers to be accompanied by a certified law enforcement officer when performing their duties. It would also require a duty to intervene and limit the use of chokeholds under certain circumstances. Finally, it would require the Law Enforcement Training Council to create certain minimum standards, including for: use of force, duty to intervene, body worn cameras, hiring and firing practices and academy training, vehicle pursuits, and no knock warrants.
- Why we seek Amendments:
 - Real policing reform requires a reduction in the size, scope, and power of police, not just procedural reforms.
 - This legislation does nothing to address the basic fact that our laws are enforced with a staggering racial bias.
 - Law enforcement have ignored previous legislative efforts to hold them accountable.
 - All of the committees, studies, audits, and trainings in the world cannot fix this fundamental problem.
- Bill Outcome: H.3050 passed the House and was sent to the Senate.
- Learn More: Read our fact sheet [here](#).

Reproductive Freedom

We must ensure that every pregnant person can make the best decision for themselves and their family about whether and when to have a child without undue political interference.

Preventing the Government from Controlling Private Healthcare Decisions

- Position: Oppose
- Bill Number(s): S.1 (Sen. Grooms)
- Bill Summary: This legislation would prohibit abortion after any embryonic cardiac activity is detected (usually around 6 weeks) and would subject doctors who perform abortions to criminal penalties, unless done withing narrow exemption guidelines.
- Why we opposed:
 - This legislation would also permit the SC Attorney General to bring civil action against certain people who have abortions outside of the exemption guidelines.
 - This legislation would place both medical providers and their patients at risk.
 - This legislation is unconstitutional political overreach.
- Bill Outcome: S.1 passed the House and Senate and was signed into law by Governor McMaster. Enforcement was stayed by Federal court order.
- Learn More: Read our fact sheet [here](#).

Religious Liberty

We must ensure that laws and governmental practices neither promote religion nor interfere with its free exercise.

Preventing Unprecedented Legal Immunity for Religious Groups to Discriminate

- Position: Oppose
- Bill Number(s): H. 3105 (Rep. Yow)
- Bill Summary: This legislation would forbid the government, including courts, from imposing any “monetary fine, fee, penalty, damage award, or injunction” against a religious organization in connection with the organization’s religious activities.
- Why we opposed:
 - This legislation would provide extreme religious exemptions under the guise of allowing worship services.
 - This legislation would give religious groups blanket immunity from the law harms others.
 - This legislation ignores the fact that South Carolina law already provides strong protections for religious exercise.

- Bill Outcome: H. 3105 passed the House. It was assigned to the Senate Judiciary Committee.
- Learn More: Read our fact sheet [here](#).

Free Speech

The freedom of speech is the foundation of a vibrant democracy, and without it, other fundamental rights, like the right to vote, would wither away.

Preventing the Mandatory Disclosure of Anonymous Political Speech

- Position: Oppose
- Bill Number(s): S.174 (Sen. Hembree)
- Bill Summary: This legislation would require disclosure of certain contributions aimed at influencing an election or ballot measure, including anonymous political campaign literature.
- Why we opposed:
 - An identification requirement can deprive the public of political information because of a fear of retaliation or exclusion, thus suppressing ideas and viewpoints that broaden the range of public debate.
- Bill Outcome: S.174 was referred to Senate Sub-committee.

LGBTQ Equality

We must build a South Carolina where LGBTQ people can live openly without discrimination and enjoy equal rights, personal autonomy, and freedom of expression and association. LGBTQ people belong everywhere.

Preventing Attacks on Trans Athletes

- Position: Oppose
- Bill Number(s): S.531 (Sen. Cash), H.4153 (Rep. Trantham), & H.3477 (Rep. Trantham)
- Bill Summary: This legislation would exclude transgender youth from participating in athletics consistent with their gender identity.
- Why we Opposed:
 - This is unconstitutional and a violation of Title IX.

- This legislation puts South Carolina at risk of losing hundreds of millions of dollars in federal funding.
 - This legislation would target, harm, and dehumanize transgender youth, and all to solve a problem that plainly does not exist.
- Bill Outcome: S.531 carried over Senate Education Subcommittee. H.4153 was rejected by the House Judiciary Committee. H.3477 was tabled in the House Judiciary Committee.
- Learn More: [Read our testimony](#).

Preventing Restrictions on Medical Care for Transgender Youth

- Position: Oppose
- Bill Number(s): H.4047 (Rep. McKnight)
- Bill Summary: This legislation would prohibit transgender people under 18 from receiving essential medical care. Medical professionals would face prison for providing necessary medical care for their patients. In effect, the bill would also require school staff to “out” transgender students to their parents, potentially before they are ready to share.
- Why we Opposed:
 - This legislation would interfere with the ability of medical professionals and school staff to do their job.
 - Affirming a young person’s gender through social transition and gender affirming care - including medical care - saves lives.
 - Transgender youth whose families support their gender identity have a decrease in suicidal thoughts, a decrease in suicide attempts, and significant increases in self-esteem and general health.
 - Passage of such a policy could also negatively impact recruitment and retention of highly qualified medical professionals who want to live and work in a state that prohibits necessary medical care.
- Bill Outcome: H.4047 was referred to House Judiciary without additional action.

Access to the Ballot

We must ensure the right to vote, which is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest.

Preventing the Politicization of the State Election Commission

- Position: Oppose
- Bill Number(s): H. 3444 (Rep. Lucas)
- Bill Summary: This legislation would reorganize the South Carolina Election Commission (SEC) and provide the legislative branch with the power to make

direct appointments. This legislation would also increase the authority of SEC over the county election offices without increasing functional or financial authority, leaving county election offices financially and practically responsible for SEC “orders.”

- Why we opposed:
 - This legislation would further politicize the South Carolina Election Commission.
- Bill Outcome: H. 3444 passed the House and Senate, but the House has not concurred with the amendments made by the Senate.

Preventing the Politicization of the State Election Commission

- Position: Monitoring
- Bill Number(s): S. 499 (Sen. Campsen)
- Bill Summary: This bill also re-organizes the SEC. It would leave configuration of commission unchanged, but it would require Senate advice and consent for appointment of SEC commission members and Executive Director. It also establishes some conditions on Legislative intervention in court cases involving state election laws.
- Why we initially supported: This bill sets reasonable limitations on Legislative intervention in litigation relating to election laws. The advice and consent would broaden the input into these important positions.
- Bill Outcome: S. 499 passed the Senate and is in committee in the House. (Senate Amendments to H3444 incorporate some of the provisions of this bill. See above.)

Expanding Access to the Vote

- Position: Support, with Amendment
- Bill Number(s): H. 3822 (Cobb-Hunter)
- Bill Summary: This legislation would bring to South Carolina voting provisions that have proven successful in other states, including voting by mail for all registered voters, in-person voting for 30-days prior to election, notice and opportunity to cure absentee ballots with technical defects, same day registration, and timely information about voting access for those disenfranchised because of a criminal conviction.
- Why we supported:
 - This legislation would make it easier for all voters to exercise their fundamental right to vote.
 - This legislation would provide a process for voters to defend their vote if their signature match is questioned.
 - We seek amendment to the provision that allows for signature matching for absentee ballots because it is an unnecessary hurdle placed in front people seeking to exercise their fundamental right to vote.

- Bill Outcome: H. 3822 remains in the House Judiciary Committee. The primary sponsors of H.3822 and H. 4150 are in discussions to introduce a new bill that would incorporate the positive aspects of both bills.

Preventing Restrictions on Access to the Vote

- Position: Oppose
- Bill Number(s): H. 4150 (Newton)
- Bill Summary: H. 4150 would create a 14-day early voting period for all voters, eliminate some categories of voters who may vote by absentee ballot, and restrict the use of ballot drop boxes.
- Why we opposed:
 - Early voting would be restricted to a limited number of voting sites that would limit access to voting for voters in heavily populated counties and voters in counties that are geographically large.
 - The elimination of dropbox and the restriction of voters eligible for absentee ballots serve no purpose and could confuse voters who have used these conveniences in the past.
- Bill Outcome: H. 4150 remains in the House Judiciary Committee. The primary sponsors of H. 4150 and H. 3822 are in discussions to introduce a new bill that would incorporate the positive aspects of both bills.