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5 A BILL
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7 TO AMEND SECTION 16-23-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, TO
8 REDEFINE THE CRIME OF "TERRORISM" SO AS TO ADD A REQUIREMENT THAT IT
9 INCLUDE CONSULTATION, COORDINATION OR COLLUSION WITH A FOREIGN
10 TERRORIST ORGANIZATION AS DEFINED UNDER FEDERAL LAW; TO AMEND
11 SECTION 16-3-1110 TO INCORPORATE THE REVISED DEFINITION OF TERRORISM
12 INTO THE DEFINITION OF "CRIME"; AND TO PROHIBIT PARTICIPATION IN THE
13 PROSECUTION OF ANY PERSON FOR TERRORISM IF HIS ALLEGED ACTIONS DO
14 NOT CONFORM TO THE DEFINITION OF TERRORISM IN THIS CODE.
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16 WHEREAS, the Congress of the United States of American is considering expanding the
17 prosecution of "domestic terrorism" by deleting any requirement of international involvement or
18 coordination with a foreign government or terrorist organization; and
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20 WHEREAS, such an expansion would permit the prosecution of United States residents under
21 laws intended primarily to reach foreign actors and non-resident aliens who are generally outside
22 the jurisdiction of the United States, and thus would facilitate politically-motivated prosecutions
23 of United States citizens; and
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25 WHEREAS, the domestic criminal laws of this state adequately provide for the prosecution of
26 South Carolina residents who commit acts which, if committed by foreign actors, would
27 constitute international terrorism; and
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29 WHEREAS, the State of South Carolina declines to permit its officials, personnel, funds,
30 facilities, or other resources to participate in or be used to facilitation such prosecutions;
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32 Now, therefore, be it enacted by the General Assembly of the State of South Carolina:
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34 SECTION 1. Section 16-3-1110 of the 1976 Code amended as follows:
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36 (6) "Crime" means an act which is defined as a crime by state, federal, or common law, including
37 terrorism as defined in ~~Section 2331 of Title 18, United States Code~~ Section 16-23-710 of this
38 Code. Unless injury or death was recklessly or intentionally inflicted, "crime" does not include
39 an act involving the operation of a motor vehicle, boat, or aircraft.
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41 SECTION 2. Section 16-23-710 of the 1976 Code is amended as follows:
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43 (18) "Terrorism" ~~includes~~ consists of activities that:
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45 (a) involve acts dangerous to human life that are a violation of the criminal laws of this State;
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1 (b) appear to be intended to:

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3 (i) intimidate or coerce a civilian population;

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5 (ii) influence the policy of a government by intimidation or coercion; or

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7 (iii) affect the conduct of a government by mass destruction, assassination, or kidnapping;
8 ~~and~~

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10 (c) occur primarily within the territorial jurisdiction of this State-; and

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12 (d) are conducted in consultation, coordination, or collusion with, or under the direction, control,
13 or influence of, a foreign terrorist organization as defined under section 219 of the Immigration
14 and Nationality Act, 8 US Code §1189(a).

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16 SECTION 3. The following new Section 790 is added to Chapter 23, Title 16, of the 1976 Code:

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18 “Section 16-23-790. Prosecution for Terrorism

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20 “Notwithstanding any other provision of this Code or the laws of the United States, or the
21 request of any federal official, neither the Attorney General nor any Assistant Attorney General,
22 Circuit Solicitor, or Assistant Circuit Solicitor, may prosecute or participate in the prosecution of
23 any person charged with “terrorism” or “domestic terrorism” if the actions alleged to have been
24 committed by such person fail to meet the definition of “terrorism” as provided in Section 16-23-
25 710 of this Chapter, or may use or permit the use of any funds, equipment, or facilities of this
26 state or any political subdivision thereof in furtherance of, or in connection with, any such
27 prosecution; provided, that nothing contained in this section shall prohibit the prosecution of
28 such person for any other crimes committed in this state.”

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30 SECTION 4. This Act takes effect upon approval by the Governor.

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