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Office of the Attorney General

State of South Carolina

May 13, 1981

\*1 Captain J. Leon Gasque  
Assistant Director  
S. C. Law Enforcement Division  
Post Office Box 21398  
Columbia, South Carolina 29221

Dear Captain Gasque:

This letter is intended to respond to those various areas of concern foreseen by SLED in fulfilling its responsibilities incident to law enforcement and emergency response involving fixed nuclear facilities within the State. The general issues and discussions of each follow.

I. Existing law on trespass.

Founded in the common law, trespass or the unauthorized entry upon the property of another has traditionally been viewed as a private tort enforceable by civil remedies such as an action for damage or injunctive relief. Additionally, many states have enacted statutes which impose criminal penalties as well. Chapter 11 of Title 16 of our South Carolina Code of Laws, 1976, contains numerous offenses against property. Some deal with injuries, damages, or destruction to property while others make unlawful the mere unauthorized entry or intrusion.

Specifically, § 16-11-600 makes 'every entry upon the lands of another where any . . . livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry . . . a misdemeanor' punishable by a maximum fine of \$100 or imprisonment of 30 days. When any notice prohibiting entry has been posted in four conspicuous places on the property borders, proof of such posting is conclusive notice against any person for the purpose of trespassing.

Similarly, § 16-11-620 makes unlawful 'any person who, without legal cause or good excuse, enters into the dwelling house, place of business or on the premises of another person after having been warned within six months preceding not to do so or . . . who, having entered . . . without having been [so] warned . . . fails and refuses, without good cause or excuse, to leave immediately upon being ordered or requested to do so by the person in possession or his agent or representative.' This supplemental section deals only with trespass on privately owned property and has no application to public property. [State v. Hanapole, 255 S.C. 258, 178 S.E.2d 247 \(1970\).](#)

Other statutes which involve some form of trespass on private property include § 16-11-760 which prohibits the parking of vehicles on posted private property, § 16-11-660 which prohibits travel on cultivated land outside of existing roads, § 16-11-640 which makes unlawful certain entries on property enclosed by walls or fences with closed gates between the hours of 6 A.M. and 6 P.M., and § 16-11-610 which prohibits entry on private property for certain limited purposes, i.e. hunting, fishing, etc. when done without permission.

Although § 16-11-600 recited above might have application to 'public property' by reason of its broader language 'lands of another', presently only § 16-11-630 specifically deals with public premises Section 16-11-630 provides:

\*2 Section 16-11-630. Refusing to leave certain public premises during hours when they are regularly closed.

Any person who, during those hours of the day or night when the premises owned or occupied by a state, county or municipal agency are regularly closed to the public, shall refuse or fail, without justifiable cause, to leave those premises upon being

requested to do so by a law-enforcement officer or guard, watchman or custodian responsible for the security or care of the premises, shall be deemed guilty of a misdemeanor and upon conviction, be fined not more than one hundred dollars or be imprisoned for not more than thirty days. [emphasis supplied]

The somewhat recent experiences with protestors and nuclear energy opponents and legitimate concerns for the security and safety of nuclear facilities within this state prompted the drafting of legislation by this office addressing those specific problems. That bill, H.3176, died for want of action at the end of the 1980 Regular Session. Nevertheless, an identical bill, H.2499, copy of which is attached, has been re-introduced this session and presently remains in the House Judiciary Committee. Passage of the same will establish as a felony with mandatory two-year sentence any wilful and intentional trespass or attempted trespass within the protected area (fenced) surrounding a nuclear power plant or facility.

## II. Who has jurisdiction within the boundaries of the Savannah River Plant both within and beyond fenced area?

Because the property utilized for the Savannah River Plant is owned by the United States of America, further inquiry as to the nature of that ownership must be made. I am informed by Mr. John Cumbee, Chief General Counsel there, that this approximate 20 mile square government reservation, lying in Aiken, Barnwell and Allendale counties, was acquired through multiple purchases or condemnations during the early to mid 1940's. The boundaries of the entire property are posted and much of the property is enclosed with chain link fencing.

That the federal government can acquire real property for certain public purposes by purchase or condemnation and exercise jurisdiction thereover has long been provided for under our Federal Constitution and decisions of the United States Supreme Court. See [Article I, § 8, Clause 17, Constitution of the United States of America](#), [Kohl v. United States](#), 91 U.S. 367, 23 L.Ed.2d 449 (1876). Exclusive federal jurisdiction may be exercised on property acquired for the purposes set forth in [Article I, § 8, Clause 17 of the Federal Constitution](#) when a State has consented to such acquisition of property within its borders. South Carolina has given such consent by statute. See § 3-1-110 and § 3-1-120 [Code of Laws of South Carolina \(1976\)](#).

Similarly, the federal government may obtain jurisdiction over property acquired for purposes not included under [Article I, § 8, Clause 17](#) by way of a state's cession of jurisdiction to it. Thus, South Carolina has agreed to cede 'concurrent' jurisdiction to the federal government over lands needed for the public purposes of the United States. See §§ 3-1-10 to 3-1-30 and § 3-3-10, [Code of Laws of South Carolina \(1976\)](#).

\*3 Nevertheless, the federal government is not required to accept or exercise jurisdiction either exclusive or concurrent. 77 Am.Jur.2d [United States](#), § 79 at page 75. In 1940, Congress provided:

'Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the . . . Government may, in such cases and at such times as [it] may deem desirable, accept or secure from the State in which any lands or interests therein . . . are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such land or interests as [it] may deem desirable and indicate acceptance of such jurisdiction . . . by filing a notice of such acceptance with the Governor of such State . . . Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.' (Emphasis supplied) [Title 40 USC § 255](#).

Thus, in all cases of the United States' acquisition of land after 1940, no federal jurisdiction, exclusive or otherwise, arises unless and until there has been an affirmative acceptance of such by the filing of notice of such acceptance with the Governor of the State in which such land is situate. [United States v. Gliatta](#), 580 F.2d 156 (1978), [Adams v. United States](#), 319 U.S. 312, 87 L.Ed.2d 1421 ( ). In those instances where the United States refuses to accept such jurisdiction, it holds the land in a proprietary capacity only, subject to the legislative authority and control of the States equally with the property of private individuals.

I am informed that the requisite filing of notice of acceptance of jurisdiction with the Governor of South Carolina has never been accomplished with regard to the lands owned and utilized by the United States as the Savannah River Plant. All such lands would thus be held in a proprietary capacity only and subject to the jurisdiction of the State of South Carolina.

The only question remaining is whether the State of South Carolina has relinquished jurisdiction over the lands in question. If such land is considered to be used for the 'public purposes of the United States' within the meaning and intent of §§ 3-1-10 to 3-1-30, [Code of Laws of South Carolina \(1976\)](#), then it would appear, without question, that this State has retained concurrent jurisdiction 'so far as . . . such criminal or other process as shall issue under the authority of the State against any person charged with crimes or misdemeanors committed within or without the limit of such lands may be executed therein in the same way and manner as if no jurisdiction had been hereby added.' (Emphasis supplied) Nevertheless, even if such land were considered to be used for 'sites for customhouses, courthouses, post offices, arsenals or other public buildings whatever or any other purposes of the government' within the meaning and intent of §§ 3-1-110 to 3-1-150, [Code of Laws of South Carolina \(1976\)](#) wherein this State has tendered to the federal government 'exclusive jurisdiction' except for the mere service of process, I do not believe that our state courts would find an abandonment of State jurisdiction in instances where the federal government has refused to accept such jurisdiction tendered. To do so would create a 'no-man's land' within the boundaries of this State in which persons could commit crimes with immunity. The courts of other states having statutes similar to ours have refused to find a relinquishment of State jurisdiction in such instances. See [State v. Burrell](#), 256 N.C. 288, 123 S.E.2d 795 (1962); [Ryan v. State](#), 188 Wash. 115, 61 P.2d 1276; [Valley County v. Thomas](#), 109 Mont. 345, 97 P.2d 345; [Atkinson v. State Tax Commission of Oregon](#), 303 U.S. 20, 82 L.Ed. 621; [Dobbins v. State](#), 114 Ga. App. 403, 151 S.E. 2d 549 (1966); [People v. Sullivan](#), 151 Colo. 434, 378 P.2d 633.

\*4 In summary, it is my opinion that the State of South Carolina retains complete civil and criminal jurisdiction over all lands utilized as the Savannah River Plant both within and beyond existing fenced (protected) areas and arrests for offenses or crimes committed thereon can be made by state law enforcement officers. It should be noted that certain acts within the protected (fenced) area, i.e. trespass, sabotage, would also violate the provisions of the Atomic Energy Act, [42 U.S.C. 2278\(a\)](#) and regulations issued thereunder by the Nuclear Regulatory Commission and thus would be subject to federal criminal penalties in addition to those of this State.

### III. Possible intrusion of nuclear facility from an adjacent watercourse.

You have inquired as to what can legally be done should potential trespassers approach a plant site by water, such as a stream, river, or lake which may adjoin such facility. The crucial question is whether the water upon which they approach is considered to be a navigable or non-navigable stream. If the watercourse is deemed to be a navigable stream, then the riparian owners (those owning property adjacent thereto) only own the fee to that land at and above the high watermark of said stream and no private trespass could occur until entry on the land above such point. Section 49-1-10 specifically provides that navigable streams ' . . . shall be common highways and forever free . . . '

On the other hand, if the watercourse is non-navigable, then the riparian owners have title to the land in the stream bed to the middle thereof. See [State v. Hardee](#), 259 S.C. 525, 193 S.E. 2d 497 (1972). Theoretically then an owner adjacent to a non-navigable body of water could, upon appropriate posting or actual warning prosecute an individual for private trespass once he crosses the imaginary center line of the stream bed or refuses to leave after being so ordered.

Because of the frequent difficulty in determining whether a watercourse is navigable under the law and the obvious potential dangers of effecting arrests upon a body of water, it would be my recommendation that no charges be brought until an intruder actually comes upon the land. This procedure will also avoid the problem of an owner adjacent to a non-navigable stream who regularly allows the general public to boat, fish, etc. over that portion of the stream bed on his side, but who seeks to keep out others. Out of an abundance of caution, it may be desirable to advise various plant owners adjoining watercourses to determine the high water mark of such body of water and to mark the same using posts, stakes, signs, etc.

IV. Enforcement where facility is situate in two adjoining counties.

You raise an understandable concern for law enforcement in a situation such as Duke Power's Oconee Plant where the nuclear facility lies in Oconee County but the Keowee Hydro Station is taxed by and apparently situate in Pickens County. While your agents and those of other state agencies, i.e. Wildlife and Highway Patrol, have statewide jurisdiction and could equally enforce the laws in every county, the jurisdiction of county and local law enforcement authorities is not so broad.

\*5 Generally, county sheriffs have no jurisdiction beyond the borders of their county and any act by them outside such border would be without official force unless expressly or impliedly authorized by state statute, 70 Am. Jur. 2d Sheriffs, § 27 at pages 150-151. Thus 'A warrant of arrest is not effectual beyond the territorial jurisdiction of the authority by which it is issued and may not be executed by an officer beyond the territory to which his authority pertains.' 5 Am. Jur. 2d, Arrest, § 18, at page 709. Similar restrictions upon the power to arrest without warrant would equally apply. See also Whitworth v. Ning, 125 S.C. 146, 118 S.E. 177 (1923), and Dupont v. Brown Motor Company, 147 S.C. 88, 144 S.E. 705 (1928). Other county or municipal law enforcement personnel are also limited to the boundaries of their respective jurisdictions, except as statutes may otherwise provide. See Local Law Index for various statutes extending the jurisdictions of certain municipal police departments.

The only state statute that would seem to limitedly extend the arrest power of a county sheriff or his deputies is contained in § 23-13-60, Code of Laws of South Carolina, 1976, which provides:

The deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant and, in pursuit of the criminal or suspected criminal, enter houses or break and enter them, whether in their own county or in an adjoining county. (Emphasis supplied.)

This section which allows deputy sheriffs to cross county lines and make arrests when in 'hot pursuit' would seemingly only authorize enforcement in the adjoining county for crimes committed in the deputies own county and would not authorize enforcement in the adjoining county of any crime or offense which occurs therein. Similarly, § 23-13-260 and § 23-13-540 which establish the jurisdiction of certain deputy sheriffs appointed for industrial communities and fairs, parks or other places of amusement, respectively, cannot be read as extending jurisdiction beyond county lines despite seemingly broader language 'over all territory within a radius of one mile from the main building . . . [or center of the park]'.

There does not appear, at the present time, to be any state law which would specifically allow the law enforcement authorities of one jurisdiction to act in another. Nevertheless, I do not foresee any constitutional impediment to the enactment of such legislation. There would, of course, be policy decisions to be made respecting the responsibility for expenses incurred, liability, etc. Should there be serious interest in such legislation, I shall be happy to assist in drafting the same.

Although Article VIII, § 13, of our South Carolina Constitution provides that '[a]ny county, incorporated municipality or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers . . .,' it is doubtful whether two counties could, by agreement, extend the jurisdiction of the county sheriff or his deputies since they are quasi-state officers enforcing largely state laws.

\*6 While additional legislation would be necessary for mutual law enforcement assistance to that part of a nuclear facility situate in an adjacent county faced with demonstration, mere trespass, or other situation not arising to the level of an 'emergency', there is existing legislation that would allow the Governor to act and mobilize any and all law enforcement personnel for response, upon his declaration of an emergency without regard to jurisdictional boundaries.

Section 25-1-440 expressly grants to the Governor certain extraordinary emergency powers which include:

(1) Issue emergency proclamations and regulations . . .

(2) Declare a state of emergency for all or part of the State if he finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary measures are deemed necessary to cope with the existing or anticipated situation . . .

....

(4) Utilize all available resources of state government as reasonably necessary to cope with the emergency.

....

(6) Compel performance by elected or appointed state, county and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order.

(7) Direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life or other emergency mitigation, response or recovery; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area and the occupancy of premises therein.

Section 25-1-430 defines 'Emergency' to mean 'actual or threatened enemy attack, sabotage, conflagration, flood, storm, epidemic, earthquake, riot or other public calamity.'

Clearly, the Governor, upon determining and declaring that an emergency exists at any nuclear plant or facility by reason of riot, sabotage, radiation leak, etc. or imminent threat thereof, could direct that law enforcement, evacuation, etc. activity be assumed by all available officers and officials without regard to their normal jurisdictions.

V. Responsibility for pre-trial detainees, 90-day and permanent prisoners in the event of an evacuation.

Normally, convicted prisoners are committed to and remain in the custody of Board of Corrections and are confined in facilities of the S. C. Department of Corrections or assigned to a county prison facility with the consent of local officials. §§ 24-3-10 to 24-3-30, Code of Laws of S.C. (1976). Prisoners with a sentence of three months or less must be placed in the custody and control of county officials when that county has facilities suitable for confinement. § 24-3-30, Code of Laws of S.C. (1976), as amended. Usually 'pre-trial detainees,' (persons arrested, confined and awaiting trial) are placed in county jails under the custody of the local sheriff, § 24-5-10, Code of Laws of S.C. (1976) and should such jail be destroyed by fire or other accident, such persons are to be committed to the next nearest jail for safekeeping. § 24-5-170, Code of Laws of S.C. (1976).

\*7 Nevertheless, should the Governor declare an emergency to exist pursuant to the authority granted by law, § 25-1-440, Code of Laws of S.C. (1976), as amended, and direct an evacuation of an affected or threatened area which included jails, county prison farms or other confinement facilities, he would be empowered to direct by emergency proclamation that all persons confined, who were required to be evacuated, be placed in the custody of the S.C. Department of Corrections and transferred to available and suitable facilities for safekeeping. Officials for the Department would then be authorized to pick up, transport and place all prisoners (permanent, 90-day and pre-trial) in appropriate facilities outside of the area to be evacuated.

VI. Authority and procedure in the event of a compelled evacuation.

As previously discussed, the Governor of this State has been given extraordinary powers during a declared emergency which include '[d]irect and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed [by him] necessary for the preservation of life or other emergency mitigation, response or recovery . . .' § 25-1-440(a)(7), Code of Laws of S.C. (1976), as amended. Because any compelled removal of an individual citizen from his home, business, etc. or forced separation from family is clearly at odds with the fundamental rights, privileges and freedoms enjoyed and expected by the citizens of our state and nation, such drastic remedy should be used with the utmost caution and restraint and when ordered, carried out in strict adherence to the Governor's mandate.

It would be expected that the Governor would, by Executive Emergency Proclamation, direct in unmistakable terms that an evacuation is being compelled and reasons therefore, the precise areas to be evacuated, a designation of those officials or agencies responsible for carrying out such and the extent of force and sanctions to be used in complying with such Order. Hopefully, the text of such order could be broadcast to the general public in the area affected or threatened by the various news media along with the designated evacuation routes, assembly areas, shelters, etc.

Implementation of the Governor's Order to Evacuate could be accomplished through an initial warning and order to evacuate being broadcast over radio and television, mobile public address systems, bullhorn, etc. with a followup house by house, building by building check, should time and manpower permit. All individuals found present in a designated evacuation area should be informed of the Governor's Order and the fact that violation of the same is a criminal offense punishable by law and be given time to comply therewith. Any obvious or open refusal to comply within a reasonable time could subject the individual to arrest under § 16-7-10, Code of Laws, of S.C. (1976) for violation of an Emergency Proclamation in addition to any other appropriate charge by any officer without a warrant if committed within his presence. What is a reasonable time to comply depends upon the peculiar facts and circumstances of each situation and requires the exercise of good judgment and common sense by enforcing officials giving due regard for the urgency of the situation, reason for delay, manpower available, etc. Enforcement officials should not forcibly enter private premises to look for or warn occupants unless they have a reasonable belief that such premises are then occupied (i.e. person observed entering or inside) and then only after knock and warning.

\*8 While an individual's failure or refusal to evacuate when so ordered by the Governor's emergency proclamation would make them subject to arrest as already stated, good judgment should be exercised in determining when or if an arrest should be made. It must be recognized that effectuating an arrest could aggravate an already dangerous situation and consume valuable time and manpower needed to warn or assist others. Priority in the utilization of available resources should go first to warning the public, and insuring the orderly and safe egress of all who seek to leave, then effecting the forced removal of those persons who pose a threat to the safety or property of others (i.e. obstructionists, looters, etc.) and finally compelling the evacuation of individuals whose only threat in remaining is to themselves.

You have made specific inquiry as to what to do when confronted with a group (family) comprised of persons under a physical or legal disability (infirm, aged, minors, etc.) in which the group leader (parent, guardian, etc.) has failed to evacuate such group. It must be remembered that the State possesses the sovereign power of guardianship over persons under disability such as minors, and insane or incompetent persons under the doctrine of parens patriae and has paramount interest in and authority over such persons even beyond the rights of a natural or adoptive parent or legal guardian.

In the situation posed, the group leader and the others should be advised of the ordered evacuation and, in the event of the leader's failure or refusal to act, law enforcement personnel should remove any individual who desires to leave or who is incapable, by reason of legal disability (incompetent, under 18, etc.) of making such decision. Should that leader (parent) in any way interfere with or resist such removal, he or she should be placed under arrest and forcibly removed as well.

#### VII. Proper venue for trial of person arrested during a declared emergency.

Generally, the proper venue for the trial of one accused of a crime is the county in which such crime was committed. Additionally, special provisions exist establishing venue in circumstances where the nature of the crime made the proper place for trial doubtful. See §§ 17-21-10 to 17-21-70, Code of Laws of S.C. (1976).

Thus individuals arrested during a declared emergency would normally have to be tried in the county where their crime or offense occurred. If such persons had been removed from a stricken or threatened area because of an ordered evacuation and confined at locations beyond the county in which their crime was committed, they would have to be transported back to such county to stand trial.

In the extremely unlikely event that an entire county had to be evacuated and was rendered uninhabitable because of attack or nuclear accident for an extended period of time, it is my opinion that the resident or presiding circuit judge would be empowered to change venue for trial to another county in such judicial circuit or, if necessary, beyond. Existing statutes provide for a change of venue when a fair and impartial trial cannot be had. See § 17-21-80, Code of Laws of S.C. (1976). Certainly a change of venue must be allowed when no trial can be had. A circuit court judge has common-law power to change venue when necessary to enforce individual constitutional rights which include speedy trial, due process and equal protection of the law. See [State v. Harvey](#) 128 S.C. 494, 122 S.E. 860 (1924).

\*9 Additionally, the Governor probably has the authority, under his extraordinary emergency powers, § 25-1-440, to establish an adjoining or other county, should it become necessary, as the proper venue for crimes committed during a state of emergency and by Executive Order assign to prosecuting, judicial, and court personnel therein the responsibility of handling such matters during a declared state of emergency. It would seem, however, that such declared state of emergency and the Governor's exercise of the extraordinary powers granted could not continue beyond a period of fifteen days without the consent of the General Assembly.

I hope that the foregoing sufficiently answers those various areas of concern set forth, but if I can be of further assistance, do not hesitate to call upon me.

Very truly yours,

John P. Wilson  
Senior Assistant Attorney General

#### ATTACHMENT

##### A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976 BY ADDING SECTION 16-11-205 SO AS TO MAKE IT UNLAWFUL FOR A PERSON TO WILFULLY SABOTAGE OR DAMAGE OR ATTEMPT TO SABOTAGE OR DAMAGE A NUCLEAR FACILITY AND TO PROVIDE FOR A MANDATORY SENTENCE OF FORTY YEARS WITHOUT PAROLE FOR PERSONS CONVICTED OF SUCH OFFENSE; BY ADDING SECTION 16-11-210 SO AS TO MAKE IT UNLAWFUL FOR A PERSON TO WILFULLY SABOTAGE OR DAMAGE A NUCLEAR POWER PLANT WHICH RESULTS IN INTERRUPTING OR REDUCING THE ELECTRICAL OUTPUT OF SUCH FACILITY AND TO PROVIDE FOR A MANDATORY SENTENCE OF SEVEN YEARS WITHOUT PAROLE FOR PERSONS CONVICTED OF SUCH OFFENSE; BY ADDING SECTION 16-11-215 SO AS TO MAKE IT UNLAWFUL FOR A PERSON TO WILFULLY TRESPASS WITHIN THE PROTECTED AREA SURROUNDING A NUCLEAR FACILITY AND TO PROVIDE FOR A MANDATORY SENTENCE OF TWO YEARS WITHOUT PAROLE FOR PERSONS CONVICTED OF SUCH OFFENSE; AND BY ADDING SECTION 16-11-220 SO AS TO REQUIRE OWNERS OF NUCLEAR FACILITIES TO POST CERTAIN NOTICES STIPULATING THE PENALTY PROVISION OF SECTION 16-11-205.

Be it enacted by the General Assembly of the State of South Carolina: SECTION 1. The 1976 Code is amended by adding:

'Section 16-11-205. Any person who wilfully and intentionally sabotages or damages or threatens or attempts to sabotage or damage a nuclear power plant or nuclear storage facility or vehicle used in the transportation of nuclear material which results, or could result, in the release of radioactive materials which could endanger the public health and safety shall be deemed guilty of a felony and upon conviction shall be punished by a term of imprisonment for forty years, no part of which sentence shall be suspended and for which parole shall not be granted for my portion.

Section 16-11-210. Any person who wilfully and intentionally sabotages or damages or who threatens or attempts to sabotage or damage a nuclear power plant which results or could result in interrupting, reducing or delaying the electrical output of the facility shall be deemed guilty of a felony and upon conviction shall be punished by a term of imprisonment for seven years, no part of which sentence shall be suspended and for which parole shall not be granted for any portion.

**\*10** Section 16-11-215. Any person who wilfully and intentionally trespassed or attempts to trespass, within the protected area, as defined by regulations promulgated by the federal Nuclear Regulatory Commission, surrounding a nuclear power plant or facility shall be deemed guilty of a felony and upon conviction shall be punished by a term of imprisonment for two years, no part of which sentence shall be suspended and for which parole shall not be granted for any portion.

Section 16-11-220. The owners of each nuclear power plant or facility in this State shall post in conspicuous locations around the border of such plant or facility a placard not less than eighteen inches by eighteen inches which shall bear the following inscription in letters not less than one inch high:

‘By act of the South Carolina General Assembly and person convicted of sabotaging or damaging or threatening or attempting to sabotage a nuclear facility shall serve a sentence up to forty years without parole. Any person convicted of trespassing within the fenced (protected) area immediately surrounding a nuclear facility shall serve a sentence of two years without parole.’

SECTION 2. This act shall take effect upon approval by the Governor.

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