

South Carolina General Assembly
125th Session, 2023-2024

Bill 3014

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

AMENDED
March 8, 2023

H. 30

Introduced by Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Ri Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, H Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hi Taylor, Sandifer, M. M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Stavrinakis, Rose, Neese, Davis, Woc Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J. L. Johnson, Jeffer B. J. Cox, Garvin, B. L. Cox, Tedder and Alexander

S. Printed 03/08/23--H.
Read the first time January 10, 2023

[SEC 3/9/2023 12:46 PM]

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A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY H CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTI "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BR A CIVIL ACTION FOR DAMAGES SUSTAINED.

Amend Title To Conform

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

SECTION 1. This act may be cited as the "Clementa C. Pinckney Hate Crimes Act".

SECTION 2. Chapter 3, Title 16 of the S.C. Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. (A) When a person commits a violent crime as defined in Section 16-1-60 or commits assault on a mob in the second degree as defined in Section 16-3-210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected, in whole or in part, because of the perpetrator's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical

or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16-1-60 and commits assault by mob in the second degree as defined in Section 16-3-210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

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

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