**South Carolina General Assembly**

125th Session, 2023-2024

**A54, R82, H3583**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder

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Introduced in the House on January 10, 2023

Introduced in the Senate on April 27, 2023

Last Amended on May 11, 2023

Currently residing in the House

Governor's Action: May 18, 2023, Signed

Summary: Gavin's Law, Sextortion

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 219)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 219)

 1/12/2023 House Member(s) request name added as sponsor: Sessions

 1/18/2023 House Member(s) request name added as sponsor: Anderson

 1/19/2023 House Member(s) request name added as sponsor: Taylor,
 Carter, Brewer, Murphy

 1/24/2023 House Member(s) request name added as sponsor: White,
 Guest, Mitchell, Pedalino, Oremus, Wooten,
 Caskey, Leber

 1/25/2023 House Member(s) request name added as sponsor: Landing,
 Chapman

 2/1/2023 House Member(s) request name added as sponsor: Vaughan

 2/2/2023 House Member(s) request name added as sponsor: Hiott,
 Gilliam

 2/14/2023 House Member(s) request name added as sponsor: Cromer

 2/23/2023 House Member(s) request name added as sponsor: Felder,
 B.L. Cox, Moss, T. Moore, Beach, J.L.
 Johnson, Hartnett, Bauer, Schuessler,
 Bailey, Neese

 4/1/2023 House Member(s) request name removed as sponsor: Felder

 2/23/2023 House Member(s) request name added as sponsor: Hartnett

 3/1/2023 House Member(s) request name added as sponsor: W.
 Newton, Jordan, Hewitt

 3/7/2023 House Member(s) request name added as sponsor: King,
 Gilliard, Williams, Jefferson, Weeks

 3/14/2023 House Member(s) request name added as sponsor:
 Trantham, Nutt, McCravy

 3/28/2023 House Member(s) request name added as sponsor: Felder

 3/29/2023 House Member(s) request name added as sponsor: Robbins,
 Ballentine

 3/30/2023 House Member(s) request name added as sponsor: Calhoon,
 M.M. Smith, Davis

 4/4/2023 House Member(s) request name added as sponsor: Cobb-Hunter

 4/5/2023 House Member(s) request name added as sponsor: Henegan,
 G.M. Smith, Atkinson, Erickson, W. Jones

 4/19/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 24)

 4/20/2023 House Member(s) request name added as sponsor:
 Blackwell, McDaniel

 4/20/2023 House Debate adjourned until Wed., 4-26-23 (House Journal‑page 13)

 4/26/2023 House Member(s) request name added as sponsor: J.E.
 Johnson, S. Jones, Willis, Alexander

 4/26/2023 House Amended (House Journal‑page 27)

 4/26/2023 House Read second time (House Journal‑page 27)

 4/26/2023 House Roll call Yeas-113 Nays-0 (House Journal‑page 29)

 4/27/2023 House Read third time and sent to Senate (House Journal‑page 9)

 4/27/2023 House Roll call Yeas-107 Nays-0 (House Journal‑page 9)

 4/27/2023 Senate Introduced and read first time (Senate Journal‑page 5)

 4/27/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

 5/3/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
 Rice, Senn, Adams

 5/9/2023 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 19)

 5/11/2023 Senate Committee Amendment Adopted (Senate Journal‑page 171)

 5/11/2023 Senate Amended (Senate Journal‑page 171)

 5/11/2023 Senate Read second time (Senate Journal‑page 171)

 5/11/2023 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 171)

 5/11/2023 Senate Unanimous consent for third reading on next legislative day (Senate Journal‑page 171)

 5/16/2023 Senate Read third time and returned to House with amendments (Senate Journal‑page 6)

 5/16/2023 House Concurred in Senate amendment and enrolled (House Journal‑page 18)

 5/16/2023 House Roll call Yeas-100 Nays-0 (House Journal‑page 18)

 5/17/2023 Ratified R 82

 5/18/2023 Signed By Governor

 5/26/2023 Effective date 05/18/23

 5/26/2023 Act No. 54

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3583_20221215.docx)

[04/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3583_20230419.docx)

[04/26/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3583_20230426.docx)

[05/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3583_20230509.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3583_20230511.docx)

 3/14/2023 House Member(s) request name added as sponsor: Trantham, Nutt, McCravy

 3/28/2023 House Member(s) request name added as sponsor: Felder

 3/29/2023 House Member(s) request name added as sponsor: Robbins, Ballentine

 3/30/2023 House Member(s) request name added as sponsor: Calhoon, M.M. Smith, Davis

 4/4/2023 House Member(s) request name added as sponsor: Cobb-Hunter

 4/5/2023 House Member(s) request name added as sponsor: Henegan, G.M. Smith, Atkinson, Erickson, W. Jones

 4/19/2023 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 24](file:///h%3A%5Chj%5C20230419.docx))

 4/20/2023 House Member(s) request name added as sponsor: Blackwell, McDaniel

 4/20/2023 House Debate adjourned until Wed., 4-26-23 ([House Journal‑page 13](file:///h%3A%5Chj%5C20230420.docx))

 4/26/2023 House Member(s) request name added as sponsor: J.E. Johnson, S. Jones, Willis, Alexander

 4/26/2023 House Amended ([House Journal‑page 27](file:///h%3A%5Chj%5C20230426.docx))

 4/26/2023 House Read second time ([House Journal‑page 27](file:///h%3A%5Chj%5C20230426.docx))

 4/26/2023 House Roll call Yeas-113 Nays-0 ([House Journal‑page 29](file:///h%3A%5Chj%5C20230426.docx))

 4/27/2023 House Read third time and sent to Senate ([House Journal‑page 9](file:///h%3A%5Chj%5C20230427.docx))

 4/27/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 9](file:///h%3A%5Chj%5C20230427.docx))

 4/27/2023 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20230427.docx))

 4/27/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20230427.docx))

 5/3/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews, Rice, Senn, Adams

 5/9/2023 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 19](file:///h%3A%5Csj%5C20230509.docx))

 5/11/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 171](file:///h%3A%5Csj%5C20230511.docx))

 5/11/2023 Senate Amended ([Senate Journal‑page 171](file:///h%3A%5Csj%5C20230511.docx))

 5/11/2023 Senate Read second time ([Senate Journal‑page 171](file:///h%3A%5Csj%5C20230511.docx))

 5/11/2023 Senate Roll call Ayes-43 Nays-0 ([Senate Journal‑page 171](file:///h%3A%5Csj%5C20230511.docx))

 5/11/2023 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 171](file:///h%3A%5Csj%5C20230511.docx))

 5/16/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20230516.docx))

 5/16/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 18](file:///h%3A%5Chj%5C20230516.docx))

 5/16/2023 House Roll call Yeas-100 Nays-0 ([House Journal‑page 18](file:///h%3A%5Chj%5C20230516.docx))

 5/17/2023 Ratified R 82

 5/18/2023 Signed By Governor

 5/26/2023 Effective date 05/18/23

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[05/11/2023](https://www.scstatehouse.gov//sess125_2023-2024/prever/3583_20230511.htm)

(A54, R82, H3583)

AN ACT to amend the South Carolina Code of Laws by enacting "Gavin's Law" by adding Section 16‑15‑430 so as to create the offenses of “sexual extortion” and “aggravated sexual extortion”, to define necessary terms, and to provide penalties for violations.

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

Citation

SECTION 1. This act may be cited as “Gavin’s Law”.

Sexual extortion, aggravated sexual extortion

SECTION 2. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

 Section 16-15-430. (A) As used in this section:

 (1) “Adult” means a person eighteen years or older.

 (2) “Minor” means any person under eighteen years of age at the time of the alleged offense.

 (3) “Great bodily injury” means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

 (4) “Private image” means an image depicting sexually explicit nudity or sexual activity, as defined in Section 16-15-375, or sexual conduct, as defined in Section 16-15-305.

 (5) “Image” means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical, or other means.

 (6) “Disclose” means exhibit, transfer, publicize, distribute, or reproduce.

 (7) “Vulnerable adult” has the same meaning as in Section 43‑35‑10.

 (B) A person commits the offense of felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value. Except as provided in subsections (C) and (D), a person convicted of felony sexual extortion must be imprisoned:

 (1) not more than five years for a first offense;

 (2) not more than ten years for a second offense; or

 (3) not more than twenty years for a third or subsequent offense.

 (C)(1) A person commits the offense of aggravated felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value and either:

 (a) the victim is a minor or a vulnerable adult and the person convicted of sexual extortion is an adult; or

 (b) the victim suffers great bodily injury or death and the finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.

 (2) A person convicted of aggravated felony sexual extortion must be imprisoned not more than twenty years.

 (D) If the person convicted is a minor, then the person is guilty of misdemeanor sexual extortion and must be sentenced by the family court. The court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider.

Collaboration required

SECTION 3. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General’s office, as appropriate, to implement a policy to educate and notify students of the provisions of this act which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law. The State Department of Education must file a report as to the status of the adoption and implementation of the education policies under this act to the Governor, the President of the Senate, and the Speaker of the House of Representatives, annually by July first of each year.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023.

Approved the 18th day of May, 2023.

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