

Session 115 - (2003-2004)

H*4451 (Rat #0258, Act #0208 of 2004) General Bill, By G.M. Smith, Altman, Clark and Owens

Summary: Minors, exploitation, obscenity; creation of the offence of Criminal Solicitation of a Minor

AN ACT TO AMEND SECTIONS 14-7-1610 AND 14-7-1630, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO THE JURISDICTION OF A STATE GRAND JURY, SO AS TO ELIMINATE THE REQUIREMENT THAT AN OBSCENITY CRIME MUST BE MULTI-COUNTY IN NATURE OR MUST TRANSPIRE IN MORE THAN ONE COUNTY FOR THE STATE GRAND JURY TO HAVE JURISDICTION; TO AMEND SECTION 16-15-335, RELATING TO HIRING A MINOR TO VIOLATE OBSCENITY LAWS, SO AS TO INCREASE THE PENALTY FROM FIVE TO TEN YEARS; BY ADDING SECTION 16-15-342 SO AS TO CREATE THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, TO PROVIDE CONSENT IS A DEFENSE TO PROSECUTION IF THE PERSON UNDER THE AGE OF EIGHTEEN IS AT LEAST SIXTEEN YEARS OLD BUT THAT CONSENT IS NOT A DEFENSE TO PROSECUTION IF THE PERSON IS UNDER THE AGE OF SIXTEEN, AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-15-345, RELATING TO THE DISSEMINATION OF OBSCENITY TO A PERSON UNDER THE AGE OF EIGHTEEN, SO AS TO INCREASE THE PENALTY FROM FIVE TO TEN YEARS; TO AMEND SECTION 16-15-355, RELATING TO THE DISSEMINATION OF OBSCENITY TO A PERSON UNDER THE AGE OF TWELVE, SO AS TO INCREASE THE PENALTY FROM TEN TO FIFTEEN YEARS; TO AMEND SECTION 16-15-385, RELATING TO THE DISSEMINATION OF HARMFUL MATERIAL TO A MINOR, SO AS TO INCREASE THE PENALTY FROM FIVE TO TEN YEARS; TO AMEND SECTION 16-15-387, RELATING TO THE EMPLOYMENT OF A PERSON UNDER THE AGE OF EIGHTEEN TO APPEAR IN PUBLIC IN A STATE OF SEXUALLY EXPLICIT NUDITY, SO AS TO INCREASE THE PENALTY FROM FIVE TO TEN YEARS; TO AMEND SECTION 16-15-395, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MAXIMUM PENALTY FROM TEN TO TWENTY YEARS; TO AMEND SECTION 16-15-405, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MAXIMUM PENALTY FROM FIVE TO TEN YEARS; TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FROM FIVE TO TEN YEARS; TO AMEND SECTION 16-15-415, RELATING TO PROMOTING THE PROSTITUTION OF A MINOR, SO AS TO INCREASE THE MAXIMUM PENALTY FROM TEN TO TWENTY YEARS; TO AMEND SECTION 16-15-445, RELATING TO SEIZURE AND FORFEITURE OF EQUIPMENT USED IN THE COMMISSION OF OBSCENITY AND SEXUAL EXPLOITATION OF A MINOR OFFENSES, SO AS TO INCLUDE THE OFFENSES OF CRIMINAL SOLICITATION OF A MINOR AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO AMEND SECTION 23-3-430, AS AMENDED, RELATING TO CONVICTIONS RENDERING A PERSON A "SEX OFFENDER", SO AS TO INCLUDE A PERSON CONVICTED OF CRIMINAL SOLICITATION OF A MINOR; AND TO AMEND SECTION 44-48-30, RELATING TO THE DEFINITIONS CONTAINED IN THE SEXUALLY VIOLENT PREDATOR ACT, SO AS TO INCLUDE THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR IN THE DEFINITION OF "SEXUALLY VIOLENT OFFENSE". - ratified

12/10/03	House	Prefiled
12/10/03	House	Referred to Committee on Judiciary
01/13/04	House	Introduced and read first time HJ-78
01/13/04	House	Referred to Committee on Judiciary HJ-79
01/14/04	House	Member(s) request name added as sponsor: Owens
02/18/04	House	Committee report: Favorable with amendment Judiciary HJ-16
02/19/04	House	Amended HJ-35
02/19/04	House	Read second time HJ-37
02/19/04	House	Unanimous consent for third reading on next legislative day HJ-37
02/20/04	House	Read third time and sent to Senate HJ-2
02/24/04	Senate	Introduced and read first time SJ-9
02/24/04	Senate	Referred to Committee on Judiciary SJ-9
03/30/04	Senate	Committee report: Favorable with amendment Judiciary SJ-12
03/31/04		Scrivener's error corrected
04/06/04	Senate	Amended SJ-17
04/06/04	Senate	Read second time SJ-17
04/06/04	Senate	Ordered to third reading with notice of amendments SJ-17
04/07/04		Scrivener's error corrected
04/07/04	Senate	Read third time and returned to House with amendments SJ-18
04/14/04	House	Concurred in Senate amendment and enrolled HJ-61

04/20/04	Ratified R 258
04/26/04	Signed By Governor
05/03/04	Copies available
05/03/04	Effective date 04/26/04
05/18/04	Act No. 208