**A** **BILL**

TO AMEND SECTION 16‑3‑654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 16‑3‑654 of the 1976 Code is amended to read:

“Section 16‑3‑654. (1) A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and if ~~any~~ one or more of the following circumstances are proven:

(a) ~~The~~ the actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances~~.~~;

(b) ~~The~~ the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery~~.~~; or

(c) the actor is employed at a public or private secondary school and the victim is a person sixteen years of age or older who is currently enrolled in a public or private secondary school at which the employee works or has supervisory authority and aggravated force or aggravated coercion was not used to accomplish the sexual battery.

(2) A person who commits criminal sexual conduct in the third degree is guilty of a felony ~~punishable by imprisonment~~ and, upon conviction, must be imprisoned for not more than ten years~~, according to the discretion of the court~~.

(3) The provisions of subsection (1)(c) do not apply to a person employed at a public or private secondary school who is lawfully married to the person enrolled in the school.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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