**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3118**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse, Toole, G.R. Smith, Stringer and Hixon

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Introduced in the House on January 11, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Deadly force

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/5/2011 Scrivener's error corrected

1/11/2011 House Introduced and read first time ([House Journal‑page 51](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 51](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3118_20101207.docx)

[1/5/2011](file:///p:\pprever\2011-12\3118_20110105.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 16 SO AS TO PROVIDE THAT A PERSON MAY USE DEADLY FORCE AGAINST AN INDIVIDUAL WHEN THE PERSON REASONABLY BELIEVES THE INDIVIDUAL IS USING OR ATTEMPTING TO USE UNLAWFUL FORCE AGAINST HIM OR ANOTHER PERSON IN A MOTOR VEHICLE TO COMMIT OR ATTEMPT TO COMMIT THE BREAKING INTO AND ENTERING OR THEFT OF A MOTOR VEHICLE; AND BY ADDING SECTION 16‑3‑90 SO AS TO PROVIDE THAT WHEN DEATH OF A PERSON RESULTS FROM INJURIES RECEIVED DURING THE THEFT OF A STOLEN MOTOR VEHICLE WHEN UNLAWFUL FORCE IS ATTEMPTED OR USED, THE PERSON WHO ATTEMPTED OR USED UNLAWFUL FORCE IS GUILTY OF MURDER OR MANSLAUGHTER.

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

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 2

Use of Deadly Force During the Breaking Into and Entering

or Theft of a Motor Vehicle

Section 16‑3‑100. (A) Notwithstanding another provision of law, a person may use deadly force against an individual when the person reasonably believes the individual is using or attempting to use unlawful force against him or another person present in a motor vehicle to commit or attempt to commit the breaking into and entering or theft of the motor vehicle.

(B) The use of deadly force pursuant to subsection (A) is justifiable even though the person using deadly force does not retreat from the encounter.”

SECTION 2. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑90. When the death of a person proximately results from injuries received during the theft of a motor vehicle stolen pursuant to the use or attempted use of unlawful force against the operator of the motor vehicle or an individual present in the motor vehicle, then the person using unlawful force is guilty of murder, voluntary manslaughter, or involuntary manslaughter and, upon conviction, must be punished pursuant to the provisions contained in Section 16‑3‑20, 16‑3‑50 or 16‑3‑60.”

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

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