**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑637 SO AS TO CREATE THE OFFENSES OF ASSAULT WITH A TASER AND ASSAULT AND BATTERY WITH A TASER AND TO PROVIDE PENALTIES.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑637. (A) A person is guilty of assault with a taser if the person causes another person to fear immediate harm by displaying or brandishing a taser in a threatening manner. In addition to the penalties for assault, a person who commits the offense of assault with a taser is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(B) A person is guilty of assault and battery with a taser if the person causes physical harm to another person by firing a taser into another person. In addition to the penalties for assault and battery, a person who commits the offense of assault and battery with a taser is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than five years, or both.

(C) For purposes of this section, ‘taser’ means any mechanism that is:

(1) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and

(2) used for the purpose of temporarily incapacitating a person.”

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.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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