**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4401**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

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Introduced in the House on January 14, 2014

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

Summary: Criminal sexual conduct

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 House Prefiled

12/10/2013 House Referred to Committee on **Judiciary**

1/14/2014 House Introduced and read first time ([House Journal‑page 61](file:///H:\HJ%20Archive\2014\01-14-14.docx))

1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 61](file:///H:\HJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\4401_20131210.docx)

**A** **BILL**

TO AMEND SECTION 16‑3‑655, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR OFFENSES, SO AS TO EXPAND THE PURVIEW OF OFFENSES OF CRIMINAL SEXUAL CONDUCT IN THE SECOND AND THIRD DEGREES UNDER CERTAIN CIRCUMSTANCES WHEN THE ACTOR IS IN A POSITION OF FAMILIAL, CUSTODIAL, OR OFFICIAL AUTHORITY TO COERCE THE VICTIM TO CONSENT AND TO PROVIDE AN EXCEPTION WHEN THE ACTOR ENGAGES IN A NONCOERCED CONSENSUAL ENCOUNTER WITH ANOTHER PERSON WHO IS OVER THE AGE OF FOURTEEN.

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

SECTION 1. Section 16‑3‑655(B) and (C) of the 1976 Code, as last amended by Act 255 of 2012, is further amended to read:

“(B) A person is guilty of criminal sexual conduct with a minor in the second degree if:

(1) the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age; ~~or~~

(2) the actor engages in sexual battery with a victim who is at least fourteen years of age but who is less than sixteen years of age and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. However, a person may not be convicted of a violation of the provisions of this item if he is eighteen years of age or less when he engages in consensual sexual conduct with another person who is at least fourteen years of age; or

(3) the actor is over eighteen years of age and engages in a nonconsensual sexual battery with a victim who is under the age of eighteen, and the actor is in a position of familial, custodial, or official authority to coerce the victim to consent. However, a person may not be convicted of a violation of the provisions of this item if the actor engages in a noncoerced consensual encounter with another person who is over the age of fourteen.

(C) A person is guilty of criminal sexual conduct with a minor in the third degree if:

(1) the actor is over fourteen years of age, and the actor wilfully and lewdly commits or attempts to commit a lewd or lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child. However, a person may not be convicted of a violation of the provisions of this subsection if the person is eighteen years of age or less when the person engages in consensual lewd or lascivious conduct with another person who is at least fourteen years of age; or

(2) the actor is over eighteen years of age and the actor wilfully and lewdly commits or attempts to commit a nonconsensual lewd or lascivious act upon or with the body, or its parts, of a child under the age of eighteen, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child, and the actor is in a position of familial, custodial, or official authority to coerce the victim to consent. However, a person may not be convicted of a violation of the provisions of this item if the actor engages in a noncoerced consensual encounter with another person who is over the age of fourteen.”

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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