~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Ecclesiastes 4:9: “Two are better than one, because they have good reward for their labor.”

Let us pray. Loving God, give us friendships with others, so we together can accomplish those things important for the people of this State. Guide these Representatives and staff to work together and lift each other up. Grant them courage to approach every task with the desire to produce the good fruits of success. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. FUNDERBURK moved that when the House adjourns, it adjourn in memory of Dr. Peter Brice McKoy of Camden, which was agreed to.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4350

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and   
23-47-20(C)(15)

Law Enforcement Officer and E-911 Officer Training and Certification

Received by Speaker of the House of Representatives

April 8, 2014

Referred to Judiciary Committee

Legislative Review Expiration March 15, 2015

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4370

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Requirement of Good Character (E-911 Operators)

Received by Speaker of the House of Representatives

May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

H 05/02/2013 Referred to Committee

S 05/02/2013 Referred to Committee

02/05/2014 Agency Withdrawal

120 Day Period Tolled

04/04/2014 Resubmitted 06/04/2014

Document No. 4445

Agency: Department of Labor, Licensing and Regulation - Office of State Fire Marshal

Statutory Authority: 1976 Code Sections 23-9-40, 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Office of State Fire Marshal

Received by Speaker of the House of Representatives February 4, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 4, 2014

H 02/04/2014 Referred to Committee

S 02/04/2014 Referred to Committee

H 04/03/2014 Committee Requested Withdrawal

120 Day Period Tolled

04/03/2014 Withdrawn and Resubmitted 06/04/2014

Document No. 4446

Agency: Department of Labor, Licensing and Regulation - Office of Occupational Safety and Health

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

Enforcement of Violations

Received by Speaker of the House of Representatives February 4, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 4, 2014

H 02/04/2014 Referred to Committee

S 02/04/2014 Referred to Committee

S 04/02/2014 Resolution Introduced to Approve S. 1186

H 04/03/2014 Committee Requested Withdrawal

120 Day Period Tolled

04/03/2014 Withdrawn and Resubmitted 06/04/2014

Document No. 4369

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Allow E-911 Operators One Year to Attend Training at the Academy

Received by Speaker of the House of Representatives

May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

H 05/02/2013 Referred to Committee

S 05/02/2013 Referred to Committee

02/05/2014 Agency Withdrawal

120 Day Period Tolled

04/04/2014 Resubmitted 06/04/2014

Document No. 4374

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Application for Issuance or Re-issuance of Certification

Received by Speaker of the House of Representatives

May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

H 05/02/2013 Referred to Committee

S 05/02/2013 Referred to Committee

02/05/2014 Agency Withdrawal

120 Day Period Tolled

04/04/2014 Resubmitted 06/04/2014

**REGULATION WITHDRAWN**

Document No. 4436

Agency: Board of Registration for Foresters

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Board of Registration for Foresters

Received by Speaker of the House of Representatives January 23, 2014

Referred to Agriculture, Natural Resources and Environmental Control Committee

Legislative Review Expiration: Permanently Withdrawn

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 3, 2014

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Grooms, McGill and Campbell of the Committee of Free Conference on the part of the Senate on 4467:

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Very respectfully,

President

Received as information.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5069 -- Rep. Hodges: A CONCURRENT RESOLUTION TO HONOR MARIAN WRIGHT EDELMAN, FOUNDER AND PRESIDENT OF THE CHILDREN'S DEFENSE FUND, ON HER LIFETIME OF SERVING AS AN AMBASSADOR FOR DISADVANTAGED AMERICANS AND TO CONGRATULATE HER ON BEING INDUCTED INTO THE SOUTH CAROLINA HALL OF FAME.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The following was introduced:

S. 1153 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 13, 2014.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 5063 -- Reps. Bedingfield and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 40-7-255 RELATING TO LICENSURE REQUIREMENTS TO PRACTICE HAIR BRAIDING.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 5064 -- Reps. Bedingfield and Sandifer: A BILL TO AMEND SECTION 40-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT OF A LICENSE TO PERFORM GENERAL CONTRACTING OR MECHANICAL CONTRACTING SERVICES FOR A PROJECT FOR WHICH THE TOTAL COST OF CONSTRUCTION EXCEEDS FIVE THOUSAND DOLLARS, SO AS TO INCREASE THIS AMOUNT TO TEN THOUSAND DOLLARS.

Referred to Committee on Labor, Commerce and Industry

H. 5065 -- Reps. Bedingfield and Sandifer: A BILL TO AMEND SECTION 40-30-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE AS A MASSAGE/BODYWORK THERAPIST, SO AS TO REVISE THE REQUIREMENT OF A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT TO INSTEAD REQUIRE AT LEAST A TENTH GRADE EDUCATION OR ITS EQUIVALENT.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 5066 -- Reps. Bedingfield and Sandifer: A BILL TO AMEND SECTION 40-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING PROFESSIONS AND OCCUPATIONS REGULATED BY THE STATE BOARD OF COSMETOLOGY, SO AS TO REVISE THE DEFINITION OF A BEAUTY SALON TO REMOVE REFERENCES TO A RENTAL BOOTH OR PART OR PLACE OF A BUILDING.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 5067 -- Reps. Sandifer, Bedingfield and Bingham: A BILL TO AMEND SECTION 40-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE THE DEFINITION OF THE "PRACTICE OF FUNERAL SERVICE" TO EXCLUDE RETAIL SALES OUTLETS AND TO REVISE THE DEFINITION OF A "RETAIL SALES OUTLET", SO AS TO SPECIFY THAT AN OUTLET MAY NOT BE A PART OF OR AFFILIATED WITH A FUNERAL HOME, EMBALMER, OR THE FUNERAL PROCESS, AND TO PROVIDE AN ESTABLISHMENT THAT SATISFIES THE DEFINITION OF A RETAIL SALES OUTLET IS NOT REQUIRED TO HOLD A PERMIT ISSUED BY THE STATE BOARD OF FUNERAL SERVICE BUT MUST REGISTER WITH THE BOARD; TO AMEND SECTION 40-19-265, RELATING TO PERMIT REQUIREMENTS FOR FUNERAL HOMES, BRANCH FUNERAL HOMES, RETAIL SALES OUTLETS, AND CREMATORIES, SO AS TO REMOVE RETAIL SALES OUTLETS FROM THE REQUIREMENTS AND TO PROVIDE FOR THE REGISTRATION OF RETAIL SALES OUTLETS, AND TO CODIFY AND DECREASE EXISTING FEES; AND TO AMEND SECTION 40-19-290, RELATING TO THE REQUIRED MANNER OF PROVIDING PRICING INFORMATION IN FUNERAL SERVICE ESTABLISHMENTS OR RETAIL SALES OUTLETS, SO AS TO DELETE A REFERENCE TO RETAIL SALES OUTLETS.

Referred to Committee on Labor, Commerce and Industry

H. 5068 -- Reps. Bedingfield and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "OMNIBUS REGULATORY REFORM ACT OF 2014"; TO AMEND SECTION 40-11-30, RELATING TO THE REQUIREMENT OF A LICENSE TO PERFORM GENERAL CONTRACTING OR MECHANICAL CONTRACTING SERVICES FOR A PROJECT FOR WHICH THE TOTAL COST OF CONSTRUCTION EXCEEDS FIVE THOUSAND DOLLARS, SO AS TO INCREASE THIS AMOUNT TO TEN THOUSAND DOLLARS; TO AMEND SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING PROFESSIONS AND OCCUPATIONS REGULATED BY THE STATE BOARD OF COSMETOLOGY, SO AS TO REVISE THE DEFINITION OF A "BEAUTY SALON" TO REMOVE REFERENCES TO A RENTAL BOOTH OR PART OR PLACE OF A BUILDING; TO AMEND SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE THE DEFINITION OF THE "PRACTICE OF FUNERAL SERVICE" TO EXCLUDE RETAIL SALES OUTLETS AND TO REVISE THE DEFINITION OF A "RETAIL SALES OUTLET", SO AS TO SPECIFY THAT AN OUTLET MAY NOT BE A PART OF OR AFFILIATED WITH A FUNERAL HOME, EMBALMER, OR THE FUNERAL PROCESS, AND TO PROVIDE AN ESTABLISHMENT THAT SATISFIES THE DEFINITION OF A RETAIL SALES OUTLET IS NOT REQUIRED TO HOLD A PERMIT ISSUED BY THE STATE BOARD OF FUNERAL SERVICE BUT MUST REGISTER WITH THE BOARD; TO AMEND SECTION 40-19-265, RELATING TO PERMIT REQUIREMENTS FOR FUNERAL HOMES, BRANCH FUNERAL HOMES, RETAIL SALES OUTLETS, AND CREMATORIES, SO AS TO REMOVE RETAIL SALES OUTLETS FROM THE REQUIREMENTS AND TO PROVIDE FOR THE REGISTRATION OF RETAIL SALES OUTLETS, AND TO CODIFY AND DECREASE EXISTING FEES; TO AMEND SECTION 40-19-290, RELATING TO THE REQUIRED MANNER OF PROVIDING PRICING INFORMATION IN FUNERAL SERVICE ESTABLISHMENTS OR RETAIL SALES OUTLETS, SO AS TO DELETE A REFERENCE TO RETAIL SALES OUTLETS; TO AMEND SECTION 40-30-110, AS AMENDED, RELATING TO QUALIFICATIONS FOR LICENSURE AS A MASSAGE/BODYWORK THERAPIST, SO AS TO REVISE THE REQUIREMENT OF A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT TO INSTEAD REQUIRE AT LEAST A TENTH GRADE EDUCATION OR ITS EQUIVALENT; AND TO REPEAL SECTION 40-7-255 RELATING TO LICENSURE REQUIREMENTS TO PRACTICE HAIR BRAIDING.

Referred to Committee on Labor, Commerce and Industry

H. 5070 -- Education and Public Works Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO INTERSCHOLASTIC ACTIVITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4392, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5071 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SCHOOL SUPERINTENDENT COMPENSATION AND BENEFITS/EXPENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4391, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

S. 1195 -- Senator Malloy: A BILL TO PROVIDE THAT IF, AFTER CLOSING THE BOOKS, THE DARLINGTON COUNTY SCHOOL DISTRICT HAS FUNDS, REGARDLESS OF SOURCE OR PURPOSE, OF MORE THAN TWENTY-FIVE PERCENT OF ITS OPERATING BUDGET OR SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS, WHICHEVER IS LESS, SUCH EXCESS FUNDS ONLY MAY BE USED TO SERVICE BONDED INDEBTEDNESS UNTIL THE DEBT IS FULLY PAID.

Referred to Darlington Delegation

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 8.

|  |  |
| --- | --- |
| William Bowers | Jerry Govan |
| Chris Hart | Phillip Lowe |
| Elizabeth Munnerlyn | Joseph Neal |
| Andy Patrick | Robert Riley |
| Jackson "Seth" Whipper | David Mack |
| Peter McCoy, Jr. | Ted Vick |
| Heather Crawford  Tracey Edge | Raye Felder |

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GAMBRELL a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. EDGE a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. FELDER a temporary leave of absence.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4979 |
| Date: | ADD: |
| 04/08/14 | HENDERSON and HUGGINS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4348 |
| Date: | ADD: |
| 04/08/14 | LOFTIS, W. J. MCLEOD and PITTS |

**SENT TO THE SENATE**

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 4383 -- Reps. Clemmons, Harrell, Sellers and Bernstein: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 136 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AMERICANS STAND WITH ISRAEL" SPECIAL LICENSE PLATES.

**H. 4033--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4033 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-2426 SO AS TO PROVIDE THAT ONE-HALF OF THE PAID ADMISSIONS TO A SOCCER SPECIFIC STADIUM IS EXEMPT FROM THE ADMISSION LICENSE TAX IMPOSED PURSUANT TO SECTION 12-21-2420, AND TO DEFINE THE TERM "SOCCER SPECIFIC STADIUM".

Rep. MERRILL moved to adjourn debate on the Bill until Thursday, April 10, which was agreed to.

**H. 4665--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4665 -- Reps. H. A. Crawford, Erickson, Atwater, Allison, Clemmons, Gagnon, Goldfinch, Hardee, Hardwick, Harrell, Henderson, Horne, Nanney, Putnam, Quinn, Ryhal and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-185 SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A MINOR CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, TO REQUIRE CHILDCARE FACILITIES TO MAINTAIN RECORDS THAT DOCUMENT RECEIPT OF PARENTAL PERMISSION, AND TO PROVIDE CRIMINAL PENALTIES.

Rep. WHITE moved to adjourn debate on the Bill until Wednesday, April 9, which was agreed to.

**S. 1010--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1010 -- Senators McGill, Cleary and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 3, TITLE 50 SO AS TO CREATE THE TOM YAWKEY CENTER TRUST FUND.

Rep. HARDWICK moved to adjourn debate on the Bill until Tuesday, May 6, which was agreed to.

**H. 4476--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4476 -- Rep. Weeks: A BILL TO AMEND SECTION 56-5-2953, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECORDING OF AN INCIDENT SITE AND BREATH TEST SITE WHEN A PERSON IS CHARGED WITH A TRAFFIC OFFENSE RELATED TO THE UNLAWFUL USE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO PROVIDE THAT THE VIDEO RECORDING TAKEN AT THE BREATH TEST SITE ALSO MUST INCLUDE AN AUDIBLE RECORDING.

Rep. ATWATER moved to adjourn debate on the Bill until Wednesday, April 9, which was agreed to.

**H. 3959--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3959 -- Reps. Kennedy, Quinn, Spires, Huggins, Atwater, Bingham, Delleney, Felder, Finlay, D. C. Moss, Norman, Pope, Sellers, Simrill, Tallon, Weeks, Wood and Whipper: A BILL TO AMEND SECTION 16-15-395, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE; TO AMEND SECTION 16-15-405, AS AMENDED, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE AND INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS; AND TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3959 (COUNCIL\GGS\3959C001.GGS.AHB14), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 16‑15‑395 of the 1976 Code, as last amended by Act 208 of 2004, is further amended to read:

“Section 16‑15‑395. (A) An individual commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he:

(1) uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation or a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

(2) permits a minor under his custody or control to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

(3) transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

(4) records, photographs, films, develops, duplicates, produces, or creates a digital electronic file for sale or pecuniary gain material that contains a visual representation depicting a minor engaged in sexual activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution ~~under~~ pursuant to this section, the trier of fact may infer that a participant in a sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

(C) Mistake of age is not a defense to a prosecution ~~under~~ pursuant to this section.

(D) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not less than three years nor more than twenty years. No part of the minimum sentence of imprisonment may be suspended nor is the individual convicted eligible for parole until he has served the minimum term of imprisonment. Sentences imposed pursuant to this section must run consecutively with and commence at the expiration of another sentence being served by the person sentenced.”

SECTION 2. Section 16‑15‑405 of the 1976 Code, as last amended by Act 208 of 2004, is further amended to read:

“Section 16‑15‑405. (A) An individual commits the offense of second degree sexual exploitation of a minor if, knowing the character or content of the material, he:

(1) records, photographs, films, develops, duplicates, produces, or creates digital electronic file material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

(2) distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution ~~under~~ pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

(C) Mistake of age is not a defense to a prosecution ~~under~~ pursuant to this section.

(D) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than two years nor more than ~~ten~~ fifteen years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence.”

SECTION 3. Section 16‑15‑410 of the 1976 Code, as last amended by Act 226 of 2008, is further amended to read:

“Section 16‑15‑410. (A) An individual commits the offense of third degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise is a minor.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years.

(D) This section does not apply to an employee of a law enforcement agency, including the State Law Enforcement Division, a prosecuting agency, including the South Carolina Attorney General’s Office, or the South Carolina Department of Corrections who, while acting within the employee’s official capacity in the course of an investigation or criminal proceeding, is in possession of material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.”

SECTION 4. 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 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. KENNEDY explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Branham | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | K. R. Crawford | Crosby |
| Daning | Dillard | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Gilliard |
| Goldfinch | Govan | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | McEachern | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Norrell |
| R. L. Ott | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | White |
| Whitmire | Willis | Wood |

**Total--96**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 876--DEBATE ADJOURNED**

The following Bill was taken up:

S. 876 -- Senators Cromer and Campsen: A BILL TO AMEND SECTION 50-11-355 OF THE 1976 CODE, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

Rep. HARDWICK moved to adjourn debate on the Bill until Tuesday, May 6, which was agreed to.

**H. 4348--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4348 -- Reps. Lucas, Clemmons, Southard, Douglas, Allison, Taylor, Felder, Loftis, W. J. McLeod and Pitts: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN, SO AS TO ELIMINATE CERTAIN PREREQUISITES TO ORDERING VISITATION.

Rep. LUCAS explained the Bill.

Reps. BANNISTER, K. R. CRAWFORD, MURPHY, LOWE, MERRILL, WILLIAMS, PITTS, MUNNERLYN, THAYER, W. J. MCLEOD, BOWEN and HARDWICK requested debate on the Bill.

Rep. LIMEHOUSE moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4942 -- Rep. Allison: A CONCURRENT RESOLUTION TO DESIGNATE APRIL 18, 2014, AS "SONS OF THE AMERICAN REVOLUTION DAY," AND TO ENCOURAGE THE CITIZENS OF THE STATE OF SOUTH CAROLINA TO OBSERVE THE DAY WITH APPROPRIATE CEREMONIES AND ACTIVITIES.

H. 4986 -- Rep. Dillard: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S CHILDREN AND TO DECLARE THE WEEK OF APRIL 6 THROUGH 12, 2014, AS "WEEK OF THE YOUNG CHILD" IN THE STATE OF SOUTH CAROLINA.

H. 5042 -- Reps. Horne, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING HEALTH CARE THAT NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES PROVIDE IN OUR STATE AND TO DECLARE THURSDAY, APRIL 3, 2014, THE COALITION FOR ACCESS TO HEALTH CARE'S ANNUAL "NURSE PRACTITIONER AND CERTIFIED NURSE MIDWIFE DAY" IN SOUTH CAROLINA.

**ADJOURNMENT**

At 1:07 p.m. the House, in accordance with the motion of Rep. FUNDERBURK, adjourned in memory of Dr. Peter Brice McKoy of Camden, to meet at 10:00 a.m. tomorrow.

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