**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “BRIANNA’S LAW”; TO AMEND SECTION 16‑3‑85, RELATING TO THE OFFENSE OF HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE PENALTY TO LIFE WITHOUT PAROLE OR DEATH IF THE STATE SEEKS THE DEATH PENALTY FOR MURDER.

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

SECTION 1. This act may be cited as “Brianna’s Law”.

SECTION 2. Section 16‑3‑85(C) of the 1976 Code is amended to read:

“(C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

(1) ~~under~~ pursuant to subsection (A)(1) ~~may~~ must be imprisoned for life ~~but not less than a term of twenty years~~ without the possibility of parole or may be punished by death if the State seeks the death penalty pursuant to the provisions of Section 16‑3‑20; or

(2) ~~under~~ pursuant to subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.”

SECTION 3. 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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.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 4. This act takes effect upon approval by the Governor.

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