~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 14, 2018

**S. 541**

Introduced by Senator Shealy

S. Printed 3/14/18--S.

Read the first time March 14, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 541) to amend Section 63-7-20(6) of the 1976 Code, relating to the child protection and permanency definitions to provide that a child victim of sex trafficking, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced by Senate on March 14, 2017**

**State Expenditure**

The bill expands the definition of a victim of child abuse or neglect to include a child victim of sex trafficking or severe forms of trafficking in persons.

**Department of Social Services.** The bill expands the definition of a victim of child abuse or neglect to include a child victim of sex trafficking or severe forms of trafficking in persons. The department does not anticipate the need for additional staff or appropriations to investigate reports made pursuant to this bill. The department indicates that this bill will have no expenditure impact on the general fund, other funds, or federal funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63-7-20(6) OF THE 1976 CODE, RELATING TO THE CHILD PROTECTION AND PERMANENCY DEFINITIONS TO PROVIDE THAT A CHILD VICTIM OF SEX TRAFFICKING OR SEVERE FORMS OF TRAFFICKING IN PERSONS IS A VICTIM OF CHILD ABUSE OR NEGLECT.

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

SECTION 1. Section 63-7-20(6) of the 1976 Code is amended to read:

“(6) ‘Child abuse or neglect’ or ‘harm’ occurs when:

(a) the parent, guardian, or other person responsible for the child's welfare:

~~(a)~~(i) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

~~(i)~~ (A) is administered by a parent or person in loco parentis;

~~(ii)~~(B) is perpetrated for the sole purpose of restraining or correcting the child;

~~(iii)~~(C) is reasonable in manner and moderate in degree;

~~(iv)~~(D) has not brought about permanent or lasting damage to the child; and

~~(v)~~(E) is not reckless or grossly negligent behavior by the parents~~.~~;

~~(b)~~(ii) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

~~(c)~~(iii) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents’ refusal to cooperate. For the purpose of this chapter ‘adequate health care’ includes any medical or nonmedical remedial health care permitted or authorized under state law;

~~(d)~~(iv) abandons the child;

~~(e)~~(v) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or

~~(f)~~(vi) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect~~.~~; or

(b) a child is a victim of trafficking in persons as defined in Section 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child’s welfare.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑