**A** **BILL**

TO AMEND SECTION 16-3-910 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO KIDNAPPING, TO INCLUDE THE OFFENSE OF ATTEMPT TO KIDNAP; AND TO AMEND ARTICLE 9, CHAPTER 3, TITLE 16 TO ADD SECTION 16-3-930 TO CREATE THE OFFENSE OF LURING OR ATTEMPTING TO LURE A CHILD UNDER THE AGE OF THIRTEEN WITH INTENT TO COMMIT A CRIME; TO ESTABLISH PENALTIES AND AFFIRMATIVE DEFENSES.

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

SECTION 1. Section 16-3-910 of the 1976 Code is amended to read:

“Section 16-3-910. Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person, or attempt to seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years unless sentenced for murder as provided in Section 16-3-20.”

SECTION 2. Article 9, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-930. (A) A person over the age of eighteen who knowingly lures or entices, or attempts to lure or entice, whether by electronic or any other means, a child under the age of thirteen into a building, dwelling house, or conveyance with the intent to commit a criminal offense is guilty of a felony and must be imprisoned for a period not to exceed twenty-five years.

(B) For purposes of this section, the luring or enticing, or attempted luring or enticing, of a child under the age of thirteen into a building, dwelling, or conveyance without the consent of the child's parent or legal guardian shall be prima facie evidence of the intent to commit a criminal offense.

(C) For purposes of this section:

(1) ‘building’ means any structure as defined by Section 16-11-310(1);

(2) ‘dwelling house’ means a building or structure as defined by Section 16-11-10;

(3) ‘conveyance’ means any vehicle, ship, vessel, railroad car, trailer, aircraft, watercraft, or sleeping car, whether or not motorized;

(D) It is an affirmative defense to a prosecution under this section that:

(1) the person reasonably believed that his or her action was necessary to prevent the child from being seriously injured,

(2) the person lured or enticed, or attempted to lure or entice, the child under the age of thirteen into a structure, dwelling, or conveyance for a lawful purpose, or

(3) the person's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the child.”

SECTION 3. This act takes effect upon approval by the Governor.

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