**South Carolina General Assembly**

125th Session, 2023-2024

**S. 264**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto, Jackson and Shealy

Document Path: LC-0144CM23.docx

Introduced in the Senate on January 10, 2023

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

Summary: Sex Offender Registry

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/7/2022 Senate Prefiled

 12/7/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 137)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 138)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=264&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/07/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/264_20221207.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 23‑3‑436, relating to the Registration of persons adjudicated delinquent as sex offenders, so as to provide juveniles under fourteen years of age must not be required to register as sex offenders; and by amending Section 23‑3‑490, relating to Public inspection of the sex offender registry, so as to revise the list of offenses for which juveniles are adjudicated delinquent that require certain information on the juveniles be made available to certain members of the public.

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

SECTION 1. Section 23‑3‑436 of the S.C. Code is amended to read:

 Section 23‑3‑436. (A) A child who is fourteen years of age or older and who has been adjudicated delinquent by a family court in this State for any Tier III offense is required to register in accordance with this article.

 (B) A child who is fourteen years of age or older and has been adjudicated delinquent of any other offense listed in Section 23‑3‑430(C) may be required, in the discretion of the family court, to register in accordance with this article. In making this determination, the court shall consider:

 (1) the likelihood the juvenile will reoffend, based on a psychosexual risk assessment and evaluation by a licensed clinical psychologist or licensed psychiatrist employed by the Department of Juvenile Justice. The Circuit Solicitor’s Office, Attorney General’s Office, or the juvenile also may have an independent psychosexual risk assessment evaluation by a licensed psychologist or psychiatrist;

 (2) the age of the juvenile at the time of the offense and adjudication;

 (3) mitigating factors;

 (4) aggravating factors including, but not limited to, age of victim, use of force, or use of weapons;

 (5) prior adjudications; and

 (6) other factors the court considers relevant.

 (C) A child twelve years of age but less than juvenile under fourteen years of age must not be required to register as a sex offender pursuant to the provisions of this article.who has been adjudicated delinquent by a family court in this State for any Tier III offense may be required to register in the discretion of the Family Court.

 (1) In making the determination, the court must consider:

 (a) the likelihood the person will reoffend, based on a psychosexual risk assessment and evaluation by a licensed clinical psychologist or licensed psychiatrist as ordered by the court. The Circuit Solicitor's Office, Attorney General's Office, or the juvenile also may have an independent psychosexual risk assessment evaluation by a licensed psychologist or psychiatrist;

 (b) the age of the juvenile at the time of the offense and adjudication;

 (c) mitigating factors;

 (d) aggravating factors including, but not limited to, age of victim, use of force, or use of weapons;

 (e) prior adjudications; and

 (f) other factors the court considers relevant.

 (D) A resident child who is adjudicated delinquent in any other state is required to register in this State subject to the requirements of the sentencing jurisdiction including duration of registration.

SECTION 2. Section 23‑3‑490(E) of the S.C. Code is amended to read:

 (E)(1) For purposes of this article, information on a person juvenile adjudicated delinquent in family court for an offense listed in Section 23‑3‑436, and who is required to register under this article, must not be made available to the public in accordance with the following provisions:, except as provided in items (2) and (3).

 (1)(2) If a person juvenile has been adjudicated delinquent for committing a Tier III offense any of the following offenses, information must be made available to the public pursuant to subsections (A), (B), and (C):

 (a) criminal sexual conduct in the first degree (Section 16‑3‑652); or

 (b) criminal sexual conduct in the second degree (Section 16‑2‑653).

 (2)(3) Information shall must only be made available, upon request, to victims of or witnesses to the offense, public or private schools, child day care centers, family day care centers, childcare facilities as defined in Section 63‑13‑20, or businesses or organizations that primarily serve children, women, or vulnerable adults, as defined in Section 43‑35‑10(11), for persons adjudicated delinquent for committing any other offenses requiring registration.

 (3)(4) Nothing in this section shall prohibit prohibits the dissemination of all registry information to law enforcement.

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

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