CHAPTER 1

Felonies and Misdemeanors; Accessories

**SECTION 16‑1‑10.** Categorization of felonies and misdemeanors; exemptions.

(A) Felonies are classified, for the purpose of sentencing, into the following six categories:

(1) Class A felonies

(2) Class B felonies

(3) Class C felonies

(4) Class D felonies

(5) Class E felonies

(6) Class F felonies

(B) Misdemeanors are classified, for the purpose of sentencing, into the following three categories:

(1) Class A misdemeanors

(2) Class B misdemeanors

(3) Class C misdemeanors

(C) All offenses with a term of imprisonment of less than one year are misdemeanors and exempt from the classification system.

(D) The following offenses are classified as exempt under subsections (A) and (B):

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|  |  |
| 10‑11‑325(B)(1) | Detonating an explosive or destructive device or igniting an incendiary device upon the capitol grounds or within the capitol building resulting in death of a person where there was malice aforethought |
| 12‑21‑6000(B) | Possessing marijuana or controlled substances without appropriate stamps |
| 16‑1‑40 | Accessory before the fact |
| 16‑3‑10 | Murder |
| 16‑3‑85(C)(1) | Causing the death of a child by abuse or neglect |
| 16‑3‑210(B) | Assault and battery by mob in the first degree |
| 16‑3‑655(C)(1) | Engaging in Criminal Sexual Conduct with a minor in the First Degree |
| 16‑3‑910 | Kidnapping (if sentenced for murder) |
| 16‑3‑1083(A)(2)(a) | Violent crime that carries the death of, or bodily injury to in utero child |
| 16‑3‑1280 | False claim |
| 16‑3‑2020(E) | Trafficking in persons ‑ 3rd or subsequent offense |
| 16‑7‑10 | Acts considered unlawful in area designated by Governor in emergency—looting |
| 16‑7‑10(A)(2) | Looting during state of emergency |
| 16‑9‑290 | Accepting bribes for purposes of procuring public office |
| 16‑11‑311(B) | Burglary—First degree |
| 16‑11‑370 | Robbery of operators of vehicles for hire |
| 16‑11‑580(C)(1) | Forest products violation (value more than $1,000 but less than $5,000) 1st offense |
| 16‑11‑580(D)(1) | Forest products violation (value at least $5,000) ‑ 1st offense |
| 16‑13‑80 | Larceny of a bicycle valued more than $2,000 |
| 16‑13‑165(B)(5) | Persons who unknowingly and unintentionally import, manufactures, sells, offers for sale, installs, leases, trades, or transfers a counterfeit or nonfunctioning airbag |
| 16‑15‑20 | Incest |
| 16‑15‑110(3) | Prostitution—third or subsequent offense |
| 16‑17‑735 | False assertion of authority of law, in attempt to intimidate or hinder state or local official in discharge of duties, by threats or use of sham legal process. |
| 16‑23‑715(1) | Use of weapons of mass destruction resulting in death |
| 16‑23‑715(2) | Use of weapons of mass destruction not resulting in death |
| 16‑23‑720(A)(1) | Detonating a destructive device or causing an explosion, or aiding, counseling, or procuring an explosion by means of detonation of a destructive device which results in death of a person where there was malice aforethought |
| 23‑3‑470(B) (1) | Failure of sex offender to register‑First offense |
| 23‑3‑470(B) (2) | Failure of sex offender to register‑Second offense |
| 23‑36‑170(c), (d) | Penalty (violation of South Carolina Explosives Control Act) |
| 23‑3‑650(C) | Willful disclosure of certain information contained in State DNA Database to a person not entitled to receive it |
| 23‑3‑650(D) | Willfully obtaining DNA information contained in State DNA Database without authorization |
|  | Third, fourth, or subsequent offenses |
| 24‑13‑430(A) | Inciting prisoners to riot |
| 25‑1‑2957 | Recklessly endangering the life of another |
| 25‑7‑30 | Giving information respecting national or state defense to foreign contacts during war |
| 38‑25‑330 | Violation of a provision contained in the provisions relating to the unauthorized transaction of insurance business |
| 38‑41‑20 | Multiple employer self‑insured health plan transacting business without a license |
| 39‑15‑1190(C) | Knowing and willfully using an object or tool to produce or reproduce a counterfeit mark or possessing an object with intent to produce or reproduce a counterfeit mark |
| 39‑22‑90(A)(8) | State warehouse system violation |
| 40‑55‑170(A) | Practicing psychology without being licensed as required by chapter |
| 44‑4‑530(C) | Failure of persons subject to quarantine to comply |
| 44‑4‑530(D) | Entry into isolation or quarantine are by unauthorized person |
| 44‑53‑370(e)(1)(a)3 | Prohibited Acts A, penalties (trafficking in marijuana, 10 pounds or more, but less than 100 pounds) |
|  | Third or subsequent offenses |
| 44‑53‑370(e)(1)(b) | Prohibited Acts A, penalties (trafficking in marijuana, 100 pounds or more of marijuana, but less than 2,000 pounds) |
| 44‑53‑370(e)(1)(c) | Prohibited Acts A, (trafficking in marijuana, 2000 pounds or more, but less than 10,000 pounds) |
| 44‑53‑370(e)(1)(d) | Prohibited Acts A, penalties (trafficking in marijuana, 10,000 pounds of marijuana or more) |
| 44‑53‑370(e)(2)(a)3 | Prohibited Acts A, penalties (trafficking in cocaine, 10 grams or more, but less than 28 grams) |
|  | Third or subsequent offense |
| 44‑53‑370(e)(2)(b)3 | Prohibited Acts A, penalties (trafficking in cocaine, 28 grams or more, but less than 100 grams) |
| 44‑53‑370(e)(2)(c) | Prohibited Acts A, penalties (trafficking in cocaine, 100 grams or more, but less than 200 grams) |
| 44‑53‑370(e)(2)(d) | Prohibited Acts A, penalties (trafficking in cocaine, 200 grams or more, but less than 400 grams) |
| 44‑53‑370(e)(2)(e) | Prohibited Acts A, penalties (trafficking in cocaine, 400 grams or more) |
| 44‑53‑370(e)(3)(a)2 | Prohibited Acts A, penalties (trafficking in illegal drugs, 4 grams or more, but less than 14 grams) |
|  | Second or subsequent offense |
| 44‑53‑370(e)(3)(b) | Prohibited Acts A, penalties (trafficking in illegal drugs, 14 grams or more, but less than 28 grams) |
| 44‑53‑370(e)(3)(c) | Prohibited Acts A, penalties (trafficking in illegal drugs, 28 grams or more) |
| 44‑53‑370(e)(4)(a)2 | Prohibited Acts A, penalties (trafficking in methaqualone, 15 grams or more, but less than 150 grams) |
|  | Second or subsequent offense |
| 44‑53‑370(e)(4)(b) | Prohibited Acts A, penalties (trafficking in methaqualone, 150 grams but less than 1,500 grams) |
| 44‑53‑370(e)(4)(c) | Prohibited Acts A, penalties (trafficking in methaqualone, possession of 1,500 grams, but less than 15 kilograms of methaqualone) |
| 44‑53‑370(e)(4)(d) | Prohibited Acts A, penalties (trafficking in methaqualone, 15 kilograms or more) |
| 44‑53‑370(e)(5)(c) | Prohibited Acts, penalties (trafficking in LSD, 1,000 dosage units or more) |
| 44‑53‑375(C)(1)(c) | Trafficking in ice, crank, or crack cocaine 10 grams or more, but less than 28 grams |
|  | Third or subsequent offense |
| 44‑53‑375(C)(2)(c) | Trafficking in ice, crank, or crack cocaine 28 grams or more, but less than 100 grams |
|  | Third or subsequent offense |
| 44‑53‑375(C)(3) | Trafficking in ice, crank, or crack cocaine 100 grams or more, but less than 200 grams |
| 44‑53‑375(C)(4) | Trafficking in ice, crank, or crack cocaine 200 grams or more, but less than 400 grams |
| 44‑53‑375(C)(5) | Trafficking in ice, crank, or crack cocaine 400 grams or more |
| 44‑53‑420 | Attempting or conspiring to commit an offense made unlawful by Title 44, Chapter 53, Article 3 |
| 46‑9‑90 | State Pest Commission violation, second offense |
| 46‑21‑655 | Seed certification violations |
| 47‑3‑950 | Wrongfully obtaining or exerting unauthorized control over a guide dog or service animal |
| 47‑19‑120(a) | Interference with person performing official duties under chapter concerning Poultry Products Inspection Law (Violation of Sections 47‑19‑70 through 47‑19‑110) |
| 56‑5‑2780(B)(1) | Unlawfully passing a stopped school bus where great bodily injury results |
| 56‑5‑2947 | Child endangerment |
| 56‑5‑5670(H)(1) | Unlawful disposal of a vehicle ‑ 2nd or subsequent offense |
| 56‑5‑5670(H)(2) | Falsifying information on an application, form, or affidavit required for the disposal of a vehicle |
| 56‑5‑5945(H)(1) | Unlawful disposal of a vehicle ‑ 2nd or subsequent offense |
| 56‑5‑5945(H)(2) | Falsifying information on an application, form, or affidavit required for the disposal of a vehicle |
| 56‑15‑590 | Failure of a motor vehicle auction to keep required records or make them available for inspection |
| 56‑15‑870 | Injuring a railroad or a electric railway |
| 58‑17‑4090 | Death that results from obstructing a railroad |
| 63‑11‑90 | Violations of provisions contained in Title 63, Chapter 11, Article 1 |
| 63‑13‑170 | Violation of childcare facilities requirements |
| 63‑13‑1080 | Childcare operator refusing inspection and violating fire and health safety requirements |

HISTORY: 1962 Code Section 16‑11; 1960 (51) 1602, 1917; 1969 (56) 730; 1972 (57) 2597; 1980 Act No. 511, Section 2; 1981 Act No. 33, Section 3; 1983 Act No. 114, Section 5; 1983 Act No. 133, Section 2; 1984 Act No. 474, Section 2; 1984 Act No. 477, Section 2; 1985 Act No. 159, Sections 1, 2, 4; 1985 Act No. 201, Part II, Section 32B; 1986 Act No. 491, Section 7; 1987 Act No. 16 Section 8; 1987 Act No. 128 Section 5; 1987 Act No. 168 Section 6; 1988 Act No. 311, Section 2; 1988 Act No. 457, Section 2; 1988 Act No. 490, Section 16; 1989 Act No. 42, Section 2; 1989 Act No. 74, Section 2; 1989 Act No. 88, Section 2; 1989 Act No. 115, Section 2; 1989 Act No. 148, Section 26; 1989 Act No. 189, Part II, Section 43 sub 38; 1990 Act No. 389, Section 2; 1990 Act No. 456, Section 3; 1990 Act No. 604, Section 14; 1991 Act No. 73, Section 3; 1991 Act No. 138, Section 2; 1991 Act No. 248, Section 4; 1992 Act No. 327, Section 2; 1992 Act No. 374, Section 2; 1992 Act No. 412, Section 2; 1993 Act No. 184, Section 1; 1993 Act No. 164, Part II, Section 19B; 1993 Act No. 164, Part II, Section 70B.

Code Commissioner’s Note

The crime classification tables are added by the Code Commissioner pursuant to Section 2‑13‑66, and updated annually.

Editor’s Note

2010 Act No. 273, Section 7.C, provides:

“Wherever in the 1976 Code of Laws reference is made to the common law offense of assault and battery of a high and aggravated nature, it means assault and battery with intent to kill, as contained in repealed Section 16‑3‑620, and, except for references in Section 16‑1‑60 and Section 17‑25‑45, wherever in the 1976 Code reference is made to assault and battery with intent to kill, it means attempted murder as defined in Section 16‑3‑29.”

CROSS REFERENCES

Applicability of this section to the licensing of group child care homes, see S.C. Code of Regulations R. 114‑513.

Applicability of this section to the registration of child care centers operated by churches or religious entities, see S.C. Code of Regulations R. 114‑523.

Code commissioner authorized to add all crimes and offenses enacted by the General Assembly to its appropriate category, see Section 2‑13‑66.

Constitutional definition of treason, see SC Const. Art. I, Section 17.

Crimes while in flight, see Section 55‑3‑80.

Criminal procedure, generally, see Section 17‑1‑10 et seq.

Fingerprint review of any person applying to operate or seek employment at a child day care or group day care home to determine prior conviction of the crime referred to in this section, see Section 63‑13‑620.

General criminal laws being in effect within certain State property in Columbia, see Section 10‑11‑70.

No person may be employed by the Department of Social Services in its day care licensing or child protective services divisions who has been convicted of the crime referred to in this section, see Section 63‑13‑190.

Transporting child under sixteen years of age outside State with intent to violate a custody order as a felony, see Section 16‑17‑495.

Library References

Criminal Law 27.

Sentencing and Punishment 66.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 12, 14 to 16.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 13, Use of a Deadly Weapon.

S.C. Jur. Bribery Section 17, Sentence and Punishment.

S.C. Jur. Burglary Section 17, of Another.

S.C. Jur. Criminal Sexual Conduct Section 2, All Degrees.

S.C. Jur. Criminal Sexual Conduct Section 9, Exposure of Others to Human Immunodeficiency Virus (HIV).

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Mayhem Section 3, South Carolina Authorities.

S.C. Jur. Probation, Parole, and Pardon Section 14, Summary of Parole Eligibility Calculations.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

Treatises and Practice Aids

Bogert ‑ the Law of Trusts and Trustees Section 17, Contract and Trust.

LAW REVIEW AND JOURNAL COMMENTARIES

Annual Survey of South Carolina Law: Criminal Law: Murder. 27 S.C. L. Rev. 428.

Criminal Law. 25 S.C. L. Rev. 411.

The Lawyer’s Role in Criminal Justice Reform. 22 S.C. L. Rev. 738.

NOTES OF DECISIONS

Construction and application 1

1. Construction and application

Criminal statutes are strictly construed against the State. State v. Lawrence (S.C.App. 2002) 349 S.C. 129, 561 S.E.2d 633. Criminal Law 12.7(2)

**SECTION 16‑1‑20.** Penalties for classes of felonies.

(A) A person convicted of classified offenses, must be imprisoned as follows:

(1) for a Class A felony, not more than thirty years;

(2) for a Class B felony, not more than twenty‑five years;

(3) for a Class C felony, not more than twenty years;

(4) for a Class D felony, not more than fifteen years;

(5) for a Class E felony, not more than ten years;

(6) for a Class F felony, not more than five years;

(7) for a Class A misdemeanor, not more than three years;

(8) for a Class B misdemeanor, not more than two years;

(9) for a Class C misdemeanor, not more than one year.

(B) For all offenders sentenced on or after July 1, 1993, the minimum term of imprisonment required by law does not apply to the offenses listed in Sections 16‑1‑90 and 16‑1‑100 unless the offense refers to a mandatory minimum sentence or the offense prohibits suspension of any part of the sentence. Offenses listed in Section 16‑1‑10(C) and (D) are exempt and minimum terms of imprisonment are applicable. No sentence of imprisonment precludes the timely execution of a death sentence.

(C) This chapter does not apply to the minimum sentences established for fines or community service.

HISTORY: 1962 Code Section 16‑12; 1960 (51) 1602; 1993 Act No. 184, Section 2; 1995 Act No. 7, Part I Section 1.

CROSS REFERENCES

Code commissioner authorized to add all crimes and offenses enacted by the General Assembly to its appropriate category, see Section 2‑13‑66.

Correction and treatment of youthful offenders, see Section 24‑19‑10.

Offenses against the election laws, see Section 7‑25‑10 et seq.

Transfer of jurisdiction, see Section 63‑19‑1210.

Library References

Sentencing and Punishment 66, 1053.

Westlaw Topic No. 350H.

Attorney General’s Opinions

Misconduct in office is a misdemeanor. 1966‑67 Op.Atty.Gen., No 2340, p 171 (1967 WL 8650).

NOTES OF DECISIONS

In general 1

1. In general

Code Commissioner has no discretion in classifying an offense as misdemeanor or Class A, B, or C felony; classification of offenses is merely a ministerial duty. Kurtz v. State (S.C. 2006) 369 S.C. 15, 630 S.E.2d 472. Criminal Law 13(2)

**SECTION 16‑1‑30.** Classification of new statutory offenses.

All criminal offenses created by statute after July 1, 1993, must be classified according to the maximum term of imprisonment provided in the statute and pursuant to Sections 16‑1‑10 and 16‑1‑20, except as provided in Section 16‑1‑10(D).

HISTORY: 1962 Code Section 16‑13; 1960 (51) 1602; 1993 Act No. 184, Section 3.

Library References

Sentencing and Punishment 66.

Westlaw Topic No. 350H.

**SECTION 16‑1‑40.** Accessory.

A person who aids in the commission of a felony or is an accessory before the fact in the commission of a felony by counseling, hiring, or otherwise procuring the felony to be committed is guilty of a felony and, upon conviction, must be punished in the manner prescribed for the punishment of the principal felon.

HISTORY: 1962 Code Section 16‑1; 1952 Code Section 16‑1; 1942 Code Section 1936; 1932 Code Section 1936; Cr. C. ‘22 Section 919; Cr. C. ‘12 Section 919; Cr. C. ‘02 Section 634; G. S. 2610; R. S. 521; 1714 (2) 48; 1993 Act No. 184, Section 4.

CROSS REFERENCES

Accessories, aiders and abettors in violations of the laws as to certificates of title for vehicles, see Section 16‑21‑140.

Accessory after the fact to a felony, see Section 17‑21‑60.

Aiding, counseling or procuring the commission or arson or other offenses involving fire, see Section 16‑11‑110 et seq.

Assisting, procuring or causing forgery, see Section 16‑13‑10.

Counseling, aiding or abetting administration of poison, see Section 16‑3‑70.

Crime of conspiracy, generally, see Section 16‑17‑410.

Hiring or counseling another to breach a trust with fraudulent intent, see Section 16‑13‑230.

Placement of minor sex offenders, see Section 63‑7‑2360.

Post‑conviction DNA procedures, see Section 17‑28‑10 et seq.

Preservation of DNA evidence, see Section 17‑28‑310 et seq.

Sentencing, see Section 17‑25‑20 et seq.

Sexually Violent Predator Act, definitions, see Section 44‑48‑30.

Violent crimes defined, see Section 16‑1‑60.

Library References

Criminal Law 59(5), 68.

Westlaw Topic No. 110.

C.J.S. Criminal Law Sections 170, 173 to 174, 176 to 178, 1349 to 1351, 1356.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Burglary Section 9, Punishment.

S.C. Jur. Probation, Parole, and Pardon Section 14, Summary of Parole Eligibility Calculations.

LAW REVIEW AND JOURNAL COMMENTARIES

Mental state requirement for accomplice liability in American criminal law. John F. Decker, 60 S.C. L. Rev. 237 (Winter 2008).

Sewing up the Loophole in Accessory After the Fact Crimes. S.C. L. Rev. 901 (Summer 1999).

NOTES OF DECISIONS

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1. In general

Under this section [Code 1962 Section 16‑1], the conviction of a defendant charged in the indictment as a principal, on evidence tending to show that, if guilty of any offense at all, it was of being an accessory before the fact, is illegal. State v Sheriff (1921) 118 SC 327, 110 SE 807. State v Brazzell (1953) 223 SC 103, 74 SE2d 573.

Before an accused may be found guilty of being an accessory after the fact to a felony, the following elements must exist: (1) the felony has been completed, (2) the accused must have knowledge that the principal committed the felony, and (3) the accused must harbor or assist the principal felon; the assistance or harboring rendered must be for the purpose of enabling the principal felon to escape detection or arrest. State v. Blakely (S.C.App. 2013) 402 S.C. 650, 742 S.E.2d 29. Criminal Law 75

Accessory after the fact to a felony is not a lesser‑included offense of murder. State v. Blakely (S.C.App. 2013) 402 S.C. 650, 742 S.E.2d 29. Indictment and Information 191(4)

An accessory may be convicted even if the principal is not charged, is acquitted, or is not yet prosecuted. State v. Blakely (S.C.App. 2013) 402 S.C. 650, 742 S.E.2d 29. Criminal Law 80

Upon proper notice and proof, an accessory who provides any assistance may be treated the same as if he was the principal of the crime, but the accessory may not be convicted as both. State v. Blakely (S.C.App. 2013) 402 S.C. 650, 742 S.E.2d 29. Criminal Law 59(2); Criminal Law 69

Although punishment of principals and accessories before the fact in felonies is the same under this section [Code 1962 Section 16‑1], nevertheless the distinction between principals and accessories before the fact is recognized; and, although withdrawal of case from jury in murder prosecution would have effect of preventing subsequent trial on charge of principal, it is immaterial as respects trial of same defendant as accessory before the fact. State v. Jennings (S.C. 1930) 158 S.C. 422, 155 S.E. 621.

2. Elements

The elements that must concur to justify the conviction of one as an accessory before the fact are: (1) that the defendant advised and agreed, or urged the parties or in some way aided them, to commit the offense; (2) that the defendant was not present when the offense was committed; and (3) that the principal committed the crime. State v. Bixby (S.C. 2007) 373 S.C. 74, 644 S.E.2d 54. Criminal Law 69

The elements which must concur in order to justify the conviction of one as an accessory before the fact are as follows: (1) That he advised and agreed, or urged the parties or in some way aided them, to commit the offense; (2) that he was not present when the offense was committed; (3) that the principal committed the crime. State v. Greuling (S.C. 1972) 257 S.C. 515, 186 S.E.2d 706.

In accessory before the fact, it must be shown that defendant aided, counselled or encouraged the actual commission of the crime, which is unnecessary to the establishment of a conspiracy. State v. Greuling (S.C. 1972) 257 S.C. 515, 186 S.E.2d 706. Conspiracy 28(1); Criminal Law 69

3. Conspiracy distinguished

The offenses of the criminal conspiracy and accessory before the fact constitute separate and distinct offenses. State v. Greuling (S.C. 1972) 257 S.C. 515, 186 S.E.2d 706. Criminal Law 29(5.5)

In conspiracy, an unlawful combination must be shown, which is not necessary in establishing the offense of accessory before the fact. State v. Greuling (S.C. 1972) 257 S.C. 515, 186 S.E.2d 706. Conspiracy 28(1); Criminal Law 71

4. Manslaughter

There can be no accessory before the fact in manslaughter. State v Putman (1882) 18 SC 175. State v Sims (1830) 18 SCL 29. State v Crank (1831) 18 SCL 66.

5. Treason and trespass

Whatsoever will make one an accessory before the fact in felony will make him a principal in treason, petit larceny and misdemeanors. State v Lymburn (1804) 3 SCL 397. State v Westfield (1828) 17 SCL 132.

In treasons and trespasses there are no accessories; all participating are principals. Administrator of Whitaker v English (1784) 1 SCL 15 (ovrld on other grounds Rourk v Selvey, 252 SC 25, 164 SE2d 909). State v Lymburn (1804) 3 SCL 397. State v Westfield (1828) 17 SCL 132.

6. Indictment

Indictment against an accessory before the fact need not allege the conviction or execution of the principal. State v Sims (1830) 18 SCL 29. State v Crank (1831) 18 SCL 66. State v Posey (1849) 35 SCL 103.

Indictment is sufficient if it alleges that the murder was committed by a person unknown, and the prisoner was an accessory before the fact. State v. Green (S.C. 1836). Indictment And Information 84

7. Admissibility of evidence

Forensic psychiatrist’s expert testimony that defendant’s husband lacked the capacity to conform his behavior to the requirements of the law and that he acted impulsively at the actual time he allegedly murdered victim was irrelevant and, thus, inadmissible in defendant’s prosecution for homicide by child abuse, accessory before and after the fact, and other charges; expert did not exclude possibility that husband could have planned victim’s death with defendant prior to the event, and husband’s state of mind when he murdered victim had no probative bearing on his capacity to plan. State v. Jarrell (S.C.App. 2002) 350 S.C. 90, 564 S.E.2d 362, rehearing denied, certiorari denied, habeas corpus dismissed 2011 WL 1526816. Criminal Law 474

Trial judge did not commit error, in case where defendant was charged with accessory before the fact of murder, in ruling that direct party to alleged conversation would be permitted to testify to its contents under state of mind exception to hearsay rule, while limiting cross‑examination of witness who had merely overheard conversation, because defendant could have called direct party to conversation to testify to alleged statement and her decision not to do so indicated she perceived no prejudice in trial judge’s ruling. State v. Lewis (S.C. 1987) 293 S.C. 107, 359 S.E.2d 66.

8. Sufficiency of evidence

Jury’s conclusion that defendant was guilty of possession of a firearm during commission of violent crime under theory of accomplice liability was supported by evidence that defendant facilitated robbery and knew shooter intended to use firearm during commission of crime; state presented evidence that defendant helped orchestrate robbery and reconnoitered scene, that defendant knew shooter had rifle in his possession for use during robbery, and that defendant waited at getaway vehicle for shooter to return with proceeds from robbery. State v. Reid (S.C. 2014) 408 S.C. 461, 758 S.E.2d 904, rehearing denied. Weapons 296

9. Review

Defendant failed to preserve for appellate review her claim that a dildo found in her mother’s room in shared trailer was improperly admitted into evidence in defendant’s trial for homicide by child abuse, accessory before the fact, and other charges, although defendant objected at trial to admission of dildo on relevance grounds, where, on appeal, defendant argued that prejudicial impact of admission of dildo outweighed its probative value, and that admission of dildo impugned the character and credibility of her mother’s testimony. State v. Jarrell (S.C.App. 2002) 350 S.C. 90, 564 S.E.2d 362, rehearing denied, certiorari denied, habeas corpus dismissed 2011 WL 1526816. Criminal Law 1043(3)

**SECTION 16‑1‑50.** Indictment and conviction of accessories.

A person who counsels, hires, or otherwise procures a felony to be committed may be indicted and convicted:

(1) as an accessory before the fact either with the principal felon or after his conviction; or

(2) of a substantive felony, whether the principal felon has or has not been convicted or is or is not amenable to justice, and may be punished as if convicted of being an accessory before the fact.

HISTORY: 1962 Code Section 16‑2; 1952 Code Section 16‑2; 1942 Code Section 1937; 1932 Code Section 1937; Cr. C. ‘22 Section 920; Cr. C. ‘12 Section 920; Cr. C. ‘02 Section 635; G. S. 2611; R. S. 522; 1712 (2) 484; 1993 Act No. 184, Section 5.

CROSS REFERENCES

Accessory after the fact to a felony, see Section 17‑21‑60.

Library References

Criminal Law 59(5), 68.

Westlaw Topic No. 110.

C.J.S. Criminal Law Sections 170, 173 to 174, 176 to 178, 1349 to 1351, 1356.

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1. In general

One who is present, aiding and abetting in the commission of a felony, is not an accessory, but a principal. State v Kennedy (1910) 85 SC 146, 67 SE 152. State v Putman (1882) 18 SC 175. State v Fley (1809) 4 SCL 338. State v Posey (1849) 35 SCL 103.

All persons present aiding and abetting a murder are regarded as principals and equally guilty. State v. Griggs (S.C. 1937) 184 S.C. 304, 192 S.E. 360. Homicide 571; Homicide 572(1)

If one intends to murder another and misses the intended victim, his accessory, under this section [Code 1962 Section 16‑2], is as guilty as if the principal had killed the person he intended to kill. State v. Kennedy (S.C. 1910) 85 S.C. 146, 67 S.E. 152.

2. Elements

Because accessory may be convicted notwithstanding fact that principal has not been convicted of substantive crime, there was no inconsistency between reversal of principal’s conviction and affirmance of accessory’s conviction. State v. Lewis (S.C. 1987) 293 S.C. 107, 359 S.E.2d 66.

An accessory may be convicted as long as sufficient evidence is adduced to show that some principal committed the underlying substantive crime, and the same rule applies where the accessory and alleged principal are tried together. State v. Cox (S.C. 1986) 290 S.C. 489, 351 S.E.2d 570. Criminal Law 80

State is not barred from prosecuting and convicting accessory before the fact even though principal has been acquitted, but unless State can prove at accessory’s trial that principal is guilty, accessory cannot be convicted. State v. Massey (S.C. 1976) 267 S.C. 432, 229 S.E.2d 332. Criminal Law 80

There are three elements that must concur in order to justify the conviction of one as an accessory before the fact: (1) that he advised and agreed or urged the parties or in some way aided them, to commit the offense; (2) that he was not present when the offense was committed; and (3) that the principal committed the crime. State v. Farne (S.C. 1939) 190 S.C. 75, 1 S.E.2d 912. Criminal Law 69

3. Indictment

Accessory may not be convicted on indictment as principal. State v Sheriff (1922) 118 SC 327, 110 SE 807. State v Brazzell (1953) 223 SC 103, 74 SE2d 573.

Absence of the element of knowledge from the indictment charging accessory after the fact of murder rendered indictment deficient, and thus, trial court lacked subject matter jurisdiction to accept defendant’s guilty plea; unless the State could have proven that defendant knew he was helping a murderer avoid arrest, he could not be guilty of the offense. Hooks v. State (S.C. 2003) 353 S.C. 48, 577 S.E.2d 211. Criminal Law 273(4.1)

Failure of indictment charging accessory after the fact of murder to inform defendant of the element of presence rendered indictment insufficient, and thus, the trial court lacked subject matter jurisdiction to accept defendant’s guilty plea; pursuant to law in effect at time of defendant’s guilty plea to such offense, the State was required to prove that defendant was not at the scene when the crime occurred in order to be guilty of the offense. Hooks v. State (S.C. 2003) 353 S.C. 48, 577 S.E.2d 211. Criminal Law 273(4.1)

4. Admissibility of evidence

Trial judge did not commit error, in case where defendant was charged with accessory before the fact of murder, in ruling that direct party to alleged conversation would be permitted to testify to its contents under state of mind exception to hearsay rule, while limiting cross‑examination of witness who had merely overheard conversation, because defendant could have called direct party to conversation to testify to alleged statement and her decision not to do so indicated she perceived no prejudice in trial judge’s ruling. State v. Lewis (S.C. 1987) 293 S.C. 107, 359 S.E.2d 66.

5. Questions for jury

Issue as to whether principal was guilty of murder was for jury, in prosecution of defendant as accessory before the fact of murder; there was evidence that principal shot and killed victim with gun provided by defendant, and, because principal had used deadly weapon to murder victim, malice could be inferred. Sellers v. State (S.C. 2005) 362 S.C. 182, 607 S.E.2d 82, rehearing denied. Homicide 1332

6. Instruction

Defendant was not entitled to instruction on accessory before the fact of manslaughter, as lesser‑included offense to accessory before the fact of murder, as offense of accessory before the fact of manslaughter did not exist. Sellers v. State (S.C. 2005) 362 S.C. 182, 607 S.E.2d 82, rehearing denied. Homicide 720

In a prosecution for grand larceny, the defendant was not entitled to jury instructions explaining the crimes of accessory after the fact and receiving stolen goods, even though no one had actually seen him steal the goods, where there was no evidence of another individual’s involvement in the crime, and the only explanation as to how the defendant came into possession of the stolen goods was as the principle in the larceny. State v. Pace (S.C.App. 1992) 310 S.C. 95, 425 S.E.2d 73, rehearing denied, certiorari granted, reversed 316 S.C. 71, 447 S.E.2d 186.

**SECTION 16‑1‑55.** Classification of accessory crimes.

A person who commits the offense of accessory after the fact must be punished based upon the classification below the punishment provided for the principal offense, except for Class A, Class B, and Class C felonies or murder. If the principal offense is a Class A, Class B, or Class C felony or murder, the penalty must be as prescribed for a Class D felony.

HISTORY: 1993 Act No. 184, Section 6.

Library References

Sentencing and Punishment 66.

Westlaw Topic No. 350H.

RESEARCH REFERENCES

ALR Library

83 ALR, Federal 16 , Alien’s Entitlement, Due to Threat to Life or Freedom, to Withholding of Deportation Under Section 243(H) of Immigration and Nationality Act of 1952 (8 U.S.C.A. Section 1253(H)).

NOTES OF DECISIONS

In general 1

1. In general

While an accessory before the fact may be treated like a principal upon proper proof, an accessory after the fact is not generally treated like a principal of the crime. State v. Blakely (S.C.App. 2013) 402 S.C. 650, 742 S.E.2d 29. Criminal Law 69; Criminal Law 75

**SECTION 16‑1‑57.** Classification of third or subsequent conviction of certain property crimes.

A person convicted of an offense for which the term of imprisonment is contingent upon the value of the property involved must, upon conviction for a third or subsequent offense, be punished as prescribed for a Class E felony.

HISTORY: 1993 Act No. 184, Section 7; 1995 Act No. 7, Part I Section 2.

Library References

Sentencing and Punishment 1238, 1400 to 1425.

Westlaw Topic No. 350H.

Attorney General’s Opinions

An individual need not be convicted of the same offense three times in order to receive an enhanced. sentence under this section. S.C. Op.Atty.Gen. (August 8, 2014) 2014 WL 4165338.

A prior conviction pursuant to Section 16‑21‑80 would qualify as a property offense for enhancement purposes under this section. SC Op.Atty.Gen. (August 1, 2003) 2003 WL 21998993.

The procedure on completing arrest warrants concerning this section. SC Op.Atty.Gen. (Sept. 2, 1998) 1998 WL 746938.

Discussion of whether this section applies to third or subsequent convictions of Section 34‑11‑60, drawing or uttering a fraudulent check. SC Op.Atty.Gen. (August 30, 1995) 1995 WL 803733.

An individual arrested for third offense or subsequent shoplifting would be tried in the general sessions court regardless of the dollar amount of the goods taken. SC Op.Atty.Gen. (May 1, 1995) 1995 WL 803545.

**SECTION 16‑1‑60.** Violent crimes defined.

For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16‑3‑10); attempted murder (Section 16‑3‑29); assault and battery by mob, first degree, resulting in death (Section 16‑3‑210(B)), criminal sexual conduct in the first and second degree (Sections 16‑3‑652 and 16‑3‑653); criminal sexual conduct with minors, first, second, and third degree (Section 16‑3‑655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16‑3‑656); assault and battery with intent to kill (Section 16‑3‑620); assault and battery of a high and aggravated nature (Section 16‑3‑600(B)); kidnapping (Section 16‑3‑910); trafficking in persons (Section 16‑3‑2020); voluntary manslaughter (Section 16‑3‑50); armed robbery (Section 16‑11‑330(A)); attempted armed robbery (Section 16‑11‑330(B)); carjacking (Section 16‑3‑1075); drug trafficking as defined in Section 44‑53‑370(e) or trafficking cocaine base as defined in Section 44‑53‑375(C); manufacturing or trafficking methamphetamine as defined in Section 44‑53‑375; arson in the first degree (Section 16‑11‑110(A)); arson in the second degree (Section 16‑11‑110(B)); burglary in the first degree (Section 16‑11‑311); burglary in the second degree (Section 16‑11‑312(B)); engaging a child for a sexual performance (Section 16‑3‑810); homicide by child abuse (Section 16‑3‑85(A)(1)); aiding and abetting homicide by child abuse (Section 16‑3‑85(A)(2)); inflicting great bodily injury upon a child (Section 16‑3‑95(A)); allowing great bodily injury to be inflicted upon a child (Section 16‑3‑95(B)); domestic violence of a high and aggravated nature (Section 16‑25‑65); domestic violence in the first degree (Section 16‑25‑20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43‑35‑85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43‑35‑85(E)); taking of a hostage by an inmate (Section 24‑13‑450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10‑11‑325(B)(1)); spousal sexual battery (Section 16‑3‑615); producing, directing, or promoting sexual performance by a child (Section 16‑3‑820); sexual exploitation of a minor first degree (Section 16‑15‑395); sexual exploitation of a minor second degree (Section 16‑15‑405); promoting prostitution of a minor (Section 16‑15‑415); participating in prostitution of a minor (Section 16‑15‑425); aggravated voyeurism (Section 16‑17‑470(C)); detonating a destructive device resulting in death with malice (Section 16‑23‑720(A)(1)); detonating a destructive device resulting in death without malice (Section 16‑23‑720(A)(2)); boating under the influence resulting in death (Section 50‑21‑113(A)(2)); vessel operator’s failure to render assistance resulting in death (Section 50‑21‑130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55‑1‑30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56‑5‑750(C)(2)); interference with traffic‑control devices, railroad signs, or signals resulting in death (Section 56‑5‑1030(B)(3)); hit and run resulting in death (Section 56‑5‑1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56‑5‑2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57‑7‑20(D)); obstruction of a railroad resulting in death (Section 58‑17‑4090); accessory before the fact to commit any of the above offenses (Section 16‑1‑40); and attempt to commit any of the above offenses (Section 16‑1‑80). Only those offenses specifically enumerated in this section are considered violent offenses.

HISTORY: 1986 Act No. 462, Section 33; 1995 Act No. 7, Part I Section 3; 1995 Act No. 83, Section 9; 1997 Act No. 113, Section 3; 1997 Act No. 136, Section 2; 1998 Act No. 402, Section 2; 2000 Act No. 261, Section 3; 2002 Act No. 176, Section 3, eff March 5, 2002; 2003 Act No. 92, Section 2, eff January 1, 2004; 2005 Act No. 127, Section 1, eff June 7, 2005; 2006 Act No. 379, Section 2, eff June 9, 2006; 2010 Act No. 273, Section 26, eff June 2, 2010; 2010 Act No. 289, Section 1, eff June 11, 2010; 2012 Act No. 255, Section 2, eff June 18, 2012; 2015 Act No. 7 (S.196), Section 6.B, eff April 2, 2015; 2015 Act No. 58 (S.3), Pt II, Section 6, eff June 4, 2015.

Editor’s Note

2010 Act No. 273, Section 7.C, provides:

“Wherever in the 1976 Code of Laws reference is made to the common law offense of assault and battery of a high and aggravated nature, it means assault and battery with intent to kill, as contained in repealed Section 16‑3‑620, and, except for references in Section 16‑1‑60 and Section 17‑25‑45, wherever in the 1976 Code reference is made to assault and battery with intent to kill, it means attempted murder as defined in Section 16‑3‑29.”

Section 16‑3‑620, referenced in the text, was repealed by 2010 Acts No. 273, Section 5.

Effect of Amendment

2015 Act No. 7, Section 6.B, substituted “16‑3‑2020” for 16‑3‑930”.

2015 Act No. 58, Section 6, substituted “trafficking in persons (Section 16‑3‑2020)” for “trafficking in persons (Section 16‑3‑930)”; deleted “criminal” before “domestic violence of a high and aggravated nature (Section 16‑25‑65)”; and added “domestic violence in the first degree (Section 16‑25‑20(B))”

CROSS REFERENCES

Additional punishment for possession of firearm or knife during commission of, or attempt to commit, violent crime, see Section 16‑23‑490.

Barring enrollment of student in school based on prior adjudication of delinquency for violation of this section, see Section 59‑63‑217.

Committing or attempting to commit a violent crime while wearing body armor a felony, see Section 16‑3‑1080.

Correction and treatment of youthful offenders, definitions, see Section 24‑19‑10.

Criminal solicitation of a minor, see Section 16‑15‑342.

Custody of convicted persons, designation of place of confinement, participation in work release and training program, see Section 24‑3‑20.

Eligibility for work release, see Section 24‑13‑125.

Exclusion of persons charged with, or previously convicted of, violent crimes, as targeted offenders for purposes of the community penalties program, see Section 17‑25‑140.

Implementation of supervised furlough program, search and seizure, fee, guidelines, eligibility criteria, see Section 24‑13‑710.

Juvenile records, confidentiality and exceptions, see Section 63‑19‑2020.

Life sentence for person convicted for certain crimes, see Section 17‑25‑45.

Nursing home or community residential care facility licensure, fingerprint‑based criminal records check requirement, see Section 44‑7‑264.

Parole of persons convicted of violent crimes, and periodic review of their cases following a negative parole determination, see Sections 24‑21‑645, 24‑21‑650.

Parole of prisoners serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in this section, see Section 24‑21‑640.

Person convicted of violent crime ineligible for supervised furlough program, see Section 24‑13‑720.

Persons convicted of violent crimes as ineligible for reduction of their sentences on the basis of educational credits, see Section 24‑13‑230.

Petition for expungement of official records, see Section 63‑19‑2050.

Portion of a sentence which must be served by a person convicted of a violent crime as a prerequisite to parole, see Section 24‑21‑610.

Prisoners who have been convicted of a violent crime as defined in this section are not eligible for shock incarceration, see Section 24‑13‑1310.

Prohibition against release of offender into community in which he committed violent crime, see Section 24‑13‑650.

Real estate brokers, salespersons, and property managers, grounds for denial of issuance of license or for disciplinary action, see Section 40‑57‑710.

Reconsideration by circuit court of bond set by summary court, subsequent violent offenders, see Section 17‑15‑55.

School district criminal record searches and National Sex Offender Registry checks, see Section 59‑19‑117.

Sentencing, see Section 17‑25‑20 et seq.

Student’s conviction or delinquency adjudication for crime defined in this section, notification of senior administrator at student’s school, see Section 59‑63‑370.

Taking of fingerprints, see Section 23‑3‑120.

Transportation Network Company Act, driver qualification requirements, documentation, inspections of records, disclosures, see Section 58‑23‑1650.

Uniform Standards Code for Manufactured Housing, license expiration, applicant requirements for license, see Section 40‑29‑200.

Unlawful possession of a firearm by a person convicted of violent offense, confiscation, see Section 16‑23‑500.

Use of this section’s definition of crime of violence in determining who may be considered for pretrial intervention, see Section 17‑22‑50.

Violent offender prohibited from purchasing, owning, or using body armor, exceptions, see Section 16‑3‑1085.

Library References

Criminal Law 13.

Sentencing and Punishment 75, 1261.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 1, 31 to 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 10, Degrees.

S.C. Jur. Assault and Battery Section 19, Sentence for Assault and Battery With Intent to Kill.

S.C. Jur. Burglary Section 5, Definitions Applicable to Burglary Statutes.

S.C. Jur. Burglary Section 9, Punishment.

S.C. Jur. Children and Families Section 5.1, Victims of Violence Act of 2006.

S.C. Jur. Constitutional Law Section 102, Constitutionality of Ex Post Facto Laws.

S.C. Jur. Criminal Sexual Conduct Section 2, All Degrees.

S.C. Jur. Criminal Sexual Conduct Section 9.50, Trafficking in Persons.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 28, Mitigating Circumstances.

S.C. Jur. Probation, Parole, and Pardon Section 14, Summary of Parole Eligibility Calculations.

S.C. Jur. Probation, Parole, and Pardon Section 16, Statutory Disqualifications from Parole Eligibility.

S.C. Jur. Probation, Parole, and Pardon Section 24, Supervised Furlough I and II.

S.C. Jur. Probation, Parole, and Pardon Section 25, Work Release, Extended Work Release, and the Prison Overcrowding Powers Act Release.

Attorney General’s Opinions

The Department of Probation, Parole and Pardon Service’s previous interpretation of Sections 16‑1‑60 and 24‑21‑640 is correct and should be continued, notwithstanding recent amendments. SC Op.Atty.Gen. (May 24, 1995) 1995 WL 803666.

The crime of assault and battery of a high and aggravated nature is a crime of moral turpitude. 1994 Op.Atty.Gen., No. 94‑26, p 64 (1994 WL 199758).

Crime of criminal sexual conduct with a minor under Section 16‑3‑655 is included with the term “violent” crimes for purposes of Section 16‑1‑60. 1991 Op.Atty.Gen. No 91‑46, p 118 (1991 WL 474776).

Under the 1986 Omnibus Criminal Justice Improvements Act, individuals convicted of murder are not entitled to reductions in time prior to parole eligibility through the use of earned work credits. Prisoners convicted of any violent crimes, as defined in Section 16‑1‑60, for a criminal event that occurred after June 3, 1986, and who have a prior conviction at any time before or after June 3, 1986, for one of the specified crimes, would not be eligible for parole consideration on the recent conviction and must complete service of their entire sentences. Under the provisions of Sections 24‑21‑645 and 24‑21‑650, the review in two years upon rejection, of prisoners in confinement for a violent crime, is applicable to the entire violent offender population. Under the provisions of Section 24‑21‑610, all burglary in the second degree convictions would not be eligible for parole until they have served at least one‑third of their sentence. Any and all offenses of burglary in the first degree and burglary in the second degree under Section 16‑11‑312(B) carry all consequences of a “violent crime” regardless of the statutory aggravating circumstances shown. 1986 Op.Atty.Gen., No 86‑102, p 309 (1986 WL 192060).

NOTES OF DECISIONS

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Abduction 3

Constitutional issues 2

Criminal sexual conduct 4

Drug crimes 5

Robbery 6

1. In general

By providing a list of the crimes which are to be defined as violent, the legislature ended the necessity for a case‑by‑case analysis into the specific convictions of each capital defendant’s history. State v. Rogers (S.C. 2000) 338 S.C. 435, 527 S.E.2d 101. Sentencing And Punishment 1705

2. Constitutional issues

Defendant’s ex post facto rights were not violated when, as the result of the enactment of statute defining both first‑degree burglary and armed robbery as violent crimes, his prior armed robbery conviction was used to deny him parole eligibility on his subsequent burglary pleas, pursuant to law denying parole to those serving a sentence for a second or subsequent conviction for violent crimes. Phillips v. State (S.C. 1998) 331 S.C. 482, 504 S.E.2d 111, rehearing denied. Constitutional Law 2823; Pardon And Parole 42.1

The trial court committed prejudicial error in denying a defendant’s request during the penalty phase of a capital murder trial to charge the jury, pursuant to Section 24‑21‑640, that because he was already serving a life sentence for a previous, unrelated, violent crime conviction, the imposition of a life sentence in a murder case would require service of both offenses without the possibility of parole, and the judge erroneously charged the jury as to parole eligibility under Section 16‑3‑20 instead; such error was a violation of the 8th and 14th amendments of the US Constitution, and Art V, Section 21 of the SC Constitution. State v. Torrence (S.C. 1991) 305 S.C. 45, 406 S.E.2d 315. Sentencing And Punishment 1780(3); Sentencing And Punishment 1789(9)

The constitutional prohibition against double jeopardy did not bar a defendant’s punishment for both armed robbery and possession of a weapon during a violent crime. The double jeopardy clause does no more than prevent the sentencing court from prescribing greater punishment than the legislature intended. Since armed robbery is a violent crime under Section 16‑1‑60, and Section 16‑23‑490 expressly provides additional punishment for possession of a weapon during the commission of a violent crime as defined in Section 16‑1‑60, it is clear from the face of the statute that the legislature intended to allow cumulative punishment for armed robbery and possession of a weapon during a violent crime. State v. Bolden (S.C. 1990) 303 S.C. 41, 398 S.E.2d 494.

3. Abduction

Defendant’s previous conviction in Ohio for abduction was not a prior violent offense for purposes of prohibition on grant of parole under subsequent violent offender statute; statute codifying which crimes are “violent offenses” provided that, “Only those offenses specifically enumerated in this section are considered violent offenses,” offense of “abduction” was not included among enumerated violent offenses, Ohio offense of abduction could be committed without violating South Carolina kidnapping statute, and Ohio conviction was not accompanied by explication of what facts supported jury’s determination of guilt. Hinton v. South Carolina Dept. of Probation, Parole and Pardon Services (S.C.App. 2004) 357 S.C. 327, 592 S.E.2d 335, rehearing denied, certiorari granted, certiorari dismissed as improvidently granted 364 S.C. 608, 614 S.E.2d 635. Pardon And Parole 49

Parole board was not authorized to determine whether “facts” of defendant’s Ohio conviction for abduction constituted a violent offense for purposes of prohibition on grant of parole under South Carolina subsequent violent offender statute; there was no way of extricating which particular “facts” the jury decided were true and which were not, and such a determination would amount to a de facto second trial and an egregious due process violation. Hinton v. South Carolina Dept. of Probation, Parole and Pardon Services (S.C.App. 2004) 357 S.C. 327, 592 S.E.2d 335, rehearing denied, certiorari granted, certiorari dismissed as improvidently granted 364 S.C. 608, 614 S.E.2d 635. Pardon And Parole 59

Defendant, who had a prior conviction for assault and battery with intent to kill, could be denied parole following subsequent conviction for voluntary manslaughter under statute that provided that parole could not be granted to or authorized for any prisoner serving a sentence for a second or subsequent conviction for a violent crime, even though assault and battery with intent to kill was not classified as a violent crime at time of prior conviction. Sullivan v. State (S.C. 1998) 331 S.C. 479, 504 S.E.2d 110, rehearing denied. Pardon And Parole 42.1

A defendant convicted of second‑degree burglary will be entitled to parole after serving 1⁄4 of his sentence since (1) second degree burglary is not listed as a violent offense under Section 16‑1‑60 and thus is a non‑violent offense under Section 16‑1‑70; and (2) Section 21‑21‑610, which sets parole eligibility at 1⁄4 for non‑violent crimes, was enacted after Section 16‑11‑312, which defines second degree burglary and provides for parole eligibility after 1⁄3 of the sentence is served. Hair v. State (S.C. 1991) 305 S.C. 77, 406 S.E.2d 332.

4. Criminal sexual conduct

Conviction in 1988 for second‑degree criminal sexual conduct with minor victim was properly classified as violent offense covered by violent crimes statute. Gaster v. Evatt (S.C. 1997) 326 S.C. 33, 483 S.E.2d 197. Infants 1593; Sex Offenses 68

Capital murder defendant was parole ineligible, and thus was entitled under Simmons to bring that fact to jury’s attention, where his prior rape conviction was considered violent crime under parole statute in effect when murder was committed, even if it would not be considered violent crime under present parole statute. Code 1976, Sections 16‑1‑60, 24‑21‑640. State v. Tucker (S.C. 1995) 320 S.C. 206, 464 S.E.2d 105. Criminal Law 790

5. Drug crimes

Conviction for conspiracy to traffic in cocaine was properly classified as “violent crime,” given that legislature, via statute that provided that person convicted of conspiracy had to be sentenced with full sentence and not one‑half of sentence as otherwise provided, indicated intent that conspiracy to traffic be treated as trafficking. Harris v. State (S.C. 2002) 349 S.C. 46, 562 S.E.2d 311. Sentencing And Punishment 75

6. Robbery

Defendant’s prior conviction of strong arm robbery qualified as “crime of violence,” as predicate offense for multiple convictions of possession of a pistol by a person convicted of a crime of violence, despite omission of strong arm robbery from statutory list of crimes classified as violent for purposes of state law, where specifically applicable statutory definition of “crime of violence” included strong arm robbery. Fernanders v. State (S.C. 2004) 359 S.C. 130, 597 S.E.2d 787. Weapons 180(2)

Although armed robbery is codified among offenses against property, the fact that it is a crime of violence makes it more of an offense against the person, thereby warranting its treatment as a separate offense as to each person who was threatened with bodily harm by a deadly weapon. State v. Jones (S.C. 2001) 344 S.C. 48, 543 S.E.2d 541. Criminal Law 29(11)

**SECTION 16‑1‑70.** Nonviolent crimes.

For purposes of definition under South Carolina law a nonviolent crime is all offenses not specifically enumerated in Section 16‑1‑60.

HISTORY: 1986 Act No. 462, Section 34.

CROSS REFERENCES

Participation in shock incorporation program, see Section 24‑13‑1330.

Petition for expungement of official records, see Section 63‑19‑2050.

Placement in a restitution center of an offender convicted of a nonviolent offense, see Section 24‑21‑480.

Library References

Criminal Law 13.

Sentencing and Punishment 75, 1261.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 1, 31 to 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Burglary Section 9, Punishment.

S.C. Jur. Probation, Parole, and Pardon Section 14, Summary of Parole Eligibility Calculations.

NOTES OF DECISIONS

In general 1

1. In general

A defendant convicted of second‑degree burglary will be entitled to parole after serving 1⁄4 of his sentence since (1) second degree burglary is not listed as a violent offense under Section 16‑1‑60 and thus is a non‑violent offense under Section 16‑1‑70; and (2) Section 21‑21‑610, which sets parole eligibility at 1⁄4 for non‑violent crimes, was enacted after Section 16‑11‑312, which defines second degree burglary and provides for parole eligibility after 1⁄3 of the sentence is served. Hair v. State (S.C. 1991) 305 S.C. 77, 406 S.E.2d 332.

**SECTION 16‑1‑80.** Offense of attempt punished as principal offense.

A person who commits the common law offense of attempt, upon conviction, must be punished as for the principal offense.

HISTORY: 1993 Act No. 184, Section 9.

CROSS REFERENCES

Permanent restraining orders, criminal offence defined, see Section 16‑3‑1900.

Sentencing, see Section 17‑25‑20 et seq.

Sexually Violent Predator Act, definitions, see Section 44‑48‑30.

Violent crimes defined, see Section 16‑1‑60.

Library References

Criminal Law 44.

Sentencing and Punishment 88.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 148 to 158, 2009.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Burglary Section 9, Punishment.

S.C. Jur. Probation, Parole, and Pardon Section 14, Summary of Parole Eligibility Calculations.

**SECTION 16‑1‑90.** Crimes classified as felonies.

(A) The following offenses are Class A felonies and the maximum terms established for a Class A felony, not more than thirty years, as set forth in Section 16‑1‑20(A), apply:

|  |  |
| --- | --- |
|  |  |
| 10‑11‑325(B)(2) | Detonating an explosive or destructive device or igniting an incendiary device upon the capitol grounds or within the capitol building resulting in death to a person where there was not malice aforethought |
| 16‑3‑50 | Manslaughter—voluntary |
| 16‑3‑29 | Attempted murder |
| 16‑3‑652 | Criminal sexual conduct |
|  | First degree |
| 16‑3‑655(C)(2) | Criminal sexual conduct, 1st degree, with minor less than 16, 2nd offense |
| 16‑3‑656 | Assault with intent to commit criminal sexual conduct |
|  | First degree |
| 16‑3‑658 | Criminal sexual conduct where victim is legal spouse (separated) |
|  | First degree |
| 16‑3‑910 | Kidnapping |
| 16‑3‑920 | Conspiracy to commit kidnapping |
| 16‑3‑1050(F) | Abuse or neglect of a vulnerable adult resulting in death |
| 16‑3‑1075(B)(2) | Carjacking (great bodily injury) |
| 16‑3‑2020(D) | Trafficking in persons ‑ 2nd offense |
| 16‑11‑110(A) | Arson in the first degree |
| 16‑11‑330(A) | Robbery while armed with a deadly weapon |
| 16‑11‑380(A) | Entering bank with intent to steal money, securities for money, or property, by force, intimidation, or threats |
| 16‑11‑390 | Safecracking |
| 16‑11‑523(D)(2) | Injuring real property when illegally obtaining nonferrous metals and the act results in the death of a person |
| 16‑13‑385(E)(2) | Tampering with a utility meter that results in death of another person |
| 16‑23‑720(A)(2) | Detonating a destructive device or causing an explosion, or intentionally aiding, counseling, or procuring an explosion by means of detonation of a destructive device which results in the death of a person where there was not malice aforethought |
| 24‑13‑450 | Taking of a hostage by an inmate |
| 25‑7‑30 | Giving information respecting national or state defense to foreign contacts in time of war |
| 25‑7‑40 | Gathering information for an enemy |
| 43‑35‑85(F),  16‑3‑1050(F) | Abuse or neglect of a vulnerable adult resulting in death |
| 44‑53‑370 | Prohibited Acts A, penalties (b)(1) (narcotic drugs in Schedules I(b) and (c), LSD, and Schedule II) second, third, or subsequent offense |
| 44‑53‑370(e)(2)(a)2 | Prohibited Acts A, penalties (trafficking in cocaine, 10 grams or more but less than 28 grams) |
|  | Second offense |
| 44‑53‑370(e)(2)(b)2 | Prohibited Acts, penalties (trafficking in cocaine, 28 grams or more but less than 100 grams) |
|  | Second offense |
| 44‑53‑370(e)(5)(a)2 | Prohibited Acts, penalties (trafficking in LSD, 100 dosage units or more but less than 500 dosage units) |
|  | Second offense |
| 44‑53‑370(e)(5)(b)2 | Prohibited Acts, penalties (trafficking in LSD, 500 dosage units or more but less than 1,000 dosage units) |
|  | Second offense |
| 44‑53‑370(e)(5)(a)3 | Prohibited Acts, penalties (trafficking in LSD, 100 dosage units or more, but less than 500 dosage units) |
|  | Third or subsequent offense |
| 44‑53‑370(e)(5)(b)3 | Prohibited Acts, penalties (trafficking in LSD, 500 dosage units or more, but less than 1,000 dosage units) |
|  | Third or subsequent offense |
| 44‑53‑370(e)(6)(d) | Prohibited Acts, penalties (trafficking in flunitrazepam, 5 kilograms or more) |
| 44‑53‑370(e)(8)(a)(ii) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 500—Second offense |
| 44‑53‑370(e)(8)(a)(iii) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 500—Third or subsequent offense |
| 44‑53‑370(e)(8)(b)(ii) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 1000—Third or subsequent offense |
| 44‑53‑370(e)(8)(b)(iii) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 1000—Third or subsequent offense |
| 44‑53‑370(g)(1)(b) | Prohibited Acts A, penalties (distribution of narcotic drugs in Schedules I(b) and (c), LSD, and Schedule II with intent to commit a crime) |
|  | Second offense |
| 44‑53‑370(g)(1)(c) | Prohibited Acts A, penalties (distribution of narcotic drugs in Schedules I(b) and (c), LSD, and Schedule II with intent to commit a crime) |
|  | Third or subsequent offense |
| 44‑53‑375(B)(2) | Manufacture, distribution of methamphetamine or cocaine base, second offense |
| 44‑53‑375(B)(3) | Manufacture, distribution, etc., methamphetamine, or cocaine base |
|  | Third or subsequent offense |
| 44‑53‑375(C)(1)(b) | Trafficking in ice, crank, or crack cocaine (10 grams or more but less than 28 grams) |
|  | Second offense |
| 44‑53‑375(C)(2)(b) | Trafficking in ice, crank, or crack cocaine (28 grams or more but less than 100 grams) |
| 44‑53‑375(E)(a)(ii)  and (iii) | Trafficking in nine grams or more, but less than twenty‑eight grams of ephedrine, pseudoephedrine, or phenylpropanolamine second of subsequent offense |
| 44‑53‑375(F)(1)(e) | Trafficking in four hundred grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine |
|  | Second offense |
| 55‑1‑30(3) | Unlawful removing or damaging of airport facility or equipment when death results |
| 56‑5‑1030(B)(3) | Interference with traffic‑control devices or railroad signs or signals prohibited when death results from violation |
| 58‑7‑60(D)(2) | Unlawful appropriation of gas that results in the death of another person |
| 58‑7‑70(E)(2) | Wrongful use of gas and interference with gas meters that results in death of another person |
| 58‑15‑870(D) | Injuring a railroad or electric railway resulting in the death of another person |
| 58‑17‑4090 | Penalty for obstruction of railroad |

(B) The following offenses are Class B felonies and the maximum terms established for a Class B felony, not more than twenty‑five years, as set forth in Section 16‑1‑20(A), apply:

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| 10‑11‑325(B)(3) | Detonating an explosive or destructive device or igniting an incendiary device upon the capitol ground or within the capitol building resulting in injury to a person |
| 10‑11‑325(B)(4) | Detonating an explosive or destructive device or igniting an incendiary device upon the capitol grounds or within the capitol building resulting in damage to real or personal property |
| 16‑3‑210(C) | Assault and battery by mob in the second degree |
| 16‑11‑110(B) | Arson in the second degree |
| 16‑23‑720(A)(3) | Detonating a destructive device, or causing an explosion, or aiding, counseling, or procuring an explosion by means of detonation of a destructive device resulting in injury to a person |
| 16‑23‑720(B) | Causing an explosion by means of a destructive device, or aiding, counseling, or procuring an explosion by means of a destructive device which results in damage to real or personal property, or attempting to injure a person or damage or destroy real or property by means of a destructive device |
| 35‑11‑725(A) | Intentionally making a false statement, misrepresentation, false certification, false entry into a record, or violation of a rule or order pursuant to the South Carolina Anti‑Money Laundering Act |
| 35‑11‑725(B) | Knowingly engaging in an activity for which a license is required by the South Carolina Anti‑Money Laundering Act without being licensed and receiving more than $500 in compensation within a 30‑day period from this activity |
| 44‑53‑370(e)(1)(a)(3) | Trafficking in marijuana, 10 pounds or more (third or subsequent offense) |
| 44‑53‑370(e)(2)(b)1 | Prohibited Acts, penalties (trafficking in cocaine, 28 grams or more, but less than 100 grams) |
|  | First offense |
| 44‑53‑370(e)(3)(a)1 | Prohibited Acts A, penalties (trafficking in illegal drugs, 4 grams or more, but less than 14 grams) |
| 44‑53‑370(e)(5)(b)1 | Prohibited Acts, penalties (trafficking in LSD, 500 dosage units or more, but less than 1000 dosage units) |
|  | First offense |
| 44‑53‑370(e)(6)(a)(2) | Prohibited Acts, penalties (trafficking in flunitrazepam, 1 gram) |
|  | Second or subsequent offense |
| 44‑53‑370(e)(6)(c) | Prohibited Acts, penalties (trafficking in flunitrazepam, 1000 grams but less than 5 kilograms) |
| 44‑53‑370(e)(7)(b) | Trafficking in gamma hydroxybutyric acid (second or subsequent offense) |
| 44‑53‑370(e)(8)(b)(i) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 1000—First offense |
| 44‑53‑370(e)(8)(c) | Trafficking in MDMA or ecstasy, 1000 or more dosage units |
| 44‑53‑370(g)(2)(c) | Prohibited Acts A, penalties (distribution of controlled substances with intent to commit a crime) |
|  | Third or subsequent offense |
| 44‑53‑375(E)(1)(b)(i)  and (c) | Trafficking in twenty‑eight grams or more, but less than four hundred grams of ephedrine, pseudoephedrine, or phenylpropanolamine |
| 44‑53‑375(C)(2)(a) | Trafficking in ice, crank, crack cocaine 28 grams or more, but less than 100 grams |
|  | First offense |
| 50‑21‑113(A)(2) | Operating or controlling a moving water device while under the influence of alcohol, drugs, or a combination of both when death results |
| 50‑21‑130(A)(3) | Failure of an operator of a vessel involved in a collision resulting in death to stop and render assistance |
| 56‑5‑750(C)(2) | Failure to stop for a law enforcement vehicle (death occurs) |
| 56‑5‑1210(A)(3) | Failure to stop a vehicle involved in an accident when death occurs |
| 56‑5‑2945(A)(2) | Causing great bodily injury or death by operating vehicle while under influence of drugs or alcohol, death resulting |

(C) The following offenses are Class C felonies and the maximum terms established for a Class C felony, not more than twenty years, as set forth in Section 16‑1‑20(A), apply:

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| 16‑3‑70 | Administering or attempting to administer poison |
| 16‑3‑75 | Unlawful and malicious tampering with human drug product or food |
| 16‑3‑85(C)(2) | Aiding in the death of a child by abuse or neglect |
| 16‑3‑95(A) | Inflicting great bodily injury upon a child |
| 16‑3‑600(B) | Aggravated assault and battery |
| 16‑3‑653 | Criminal sexual conduct |
|  | Second degree |
| 16‑3‑655(C)(3) | Criminal sexual conduct, 2nd degree, with minor between 11 and 14 or at least 14 and less than 16 if actor in familial or custodial position |
| 16‑3‑656 | Assault with intent to commit criminal sexual conduct |
|  | Second degree |
| 16‑3‑658 | Criminal sexual conduct in second degree where victim is legal spouse (separated) |
| 16‑3‑810 | Engaging child under 18 for sexual performance |
| 16‑3‑1075(B)(1) | Carjacking |
| 16‑11‑330(B) | Attempted armed robbery |
| 16‑11‑350 | Train robbery by stopping train |
| 16‑11‑360 | Robbery after entry upon train |
| 16‑11‑380(B) | Stealing money, securities for money, or property, by force, intimidation, or threats, from a person who has just used a bank night depository, an ATM, or another automated banking device |
| 16‑13‑135(E)(2) | Retail theft‑second or subsequent offense |
| 16‑13‑165(B)(4)(b) | Knowingly and intentionally installing, reselling, importing, or selling a counterfeit nonfunctioning airbag that results in causing great bodily harm or death—2nd or subsequent offense |
| 16‑15‑395 | Sexual exploitation of a minor |
| 16‑15‑415 | Promoting prostitution of a minor |
| 16‑25‑65(B) | Domestic violence of a high and aggravated nature |
| 25‑7‑30 | Giving information respecting national or state defense to foreign contacts (violation during peacetime) |
| 35‑11‑740(A)(1)(b)(iii) | Conducting or attempting to conduct financial transactions that involves the proceeds of an unlawful activity when the transactions exceed $100,000 in a 12‑month period |
| 35‑11‑740(A)(2)(b)(iii) | Transporting, transmitting, or transferring or attempting to commit these activities with regard to funds across state or international boundaries unlawfully when the transactions exceed $100,000 in a 12‑month period |
| 35‑11‑740(A)(3)(b)(iii) | Concealing or disguising the nature, location, source, ownership, or control of property believed to be the proceeds of unlawful activity; conducting or attempting to conduct a financial transaction involving property represented by a law enforcement officer to be proceeds of unlawful activity, or property used to conduct or facilitate unlawful activity when the transactions exceed $100,000 in a 12‑month period |
| 44‑53‑370(b)(2) | Prohibited Acts A, penalties (manufacture or possession of other substances in Schedule I, II, III, with intent to distribute) |
|  | Third or subsequent offense |
| 44‑53‑370(e)(1)(a)2 | Prohibited Acts A, penalties (trafficking in marijuana, 10 pounds or more, but less than 100 pounds) |
|  | Second offense |
| 44‑53‑370(e)(6)(b) | Prohibited Acts, penalties (trafficking in flunitrazepam, 100 grams but less than 1000 grams) |
| 44‑53‑370(g)(1)(a) | Prohibited Acts A, penalties (distribution of narcotic drugs in Schedules I(b) and (c), LSD, and Schedule II with intent to commit a crime) |
|  | First offense |
| 44‑53‑370(g)(2)(b) | Prohibited Acts A, penalties (distribution of controlled substances with intent to commit a crime) |
|  | Second offense |
| 44‑53‑440 | Distribution of controlled substance under Sections 44‑53‑370(a) and 44‑53‑375(B) to persons under 18 |
| 44‑53‑475 | Transportation or attempt to transfer monetary instruments derived from unlawful drug activity |
| 44‑53‑475(A)(1) | Financial transactions involving property derived from unlawful drug activity |
| 44‑53‑475(A)(3) | Concealment of property derived from unlawful drug activity |
| 56‑1‑1105(B)(2) | Unlawful driving by habitual offender resulting in death |
| 58‑15‑870(C) | Injuring a railroad or electric railway resulting in endangering another person’s life or inflicting great bodily injury on another person |

(D) The following offenses are Class D felonies and the maximum terms established for a Class D felony, not more than fifteen years, as set forth in Section 16‑1‑20(A), apply:

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| 10‑11‑325(A) | Possessing, having readily accessible, or transporting onto the capitol grounds or within the capitol building an explosive, destructive, or incendiary device |
| 16‑1‑55 | Accessory after the fact of a Class A, B, or C Felony |
| 16‑3‑655(C) | Criminal sexual conduct with a minor ‑ 3rd degree |
| 16‑3‑1090(B) | Assist another person in committing suicide |
| 16‑3‑1045 | Use or employment of person under eighteen to commit certain crimes |
| 16‑3‑1050(E) | Abuse or neglect of a vulnerable adult resulting in great bodily injury |
| 16‑3‑1730(C) | Stalking within ten years of a conviction of harassment or stalking |
| 16‑3‑2020(C) | Trafficking in persons ‑ 1st offense |
| 16‑11‑110(C) | Arson—third degree |
| 16‑11‑312 | Burglary—second degree |
| 16‑11‑312(C)(2) | aggravated burglary—second degree |
| 16‑11‑325 | Common law robbery |
| 16‑11‑523(D)(1) | Obtaining nonferrous metals unlawfully resulting in great bodily injury |
| 16‑11‑525(D)(1) | Injuring real property when illegally obtaining nonferrous metals and the act results in great bodily injury to person |
| 16‑13‑385(E)(1) | Tampering with a utility meter that results in great bodily injury to another person |
| 16‑15‑355 | Disseminating obscene material to a minor 12 years or younger |
| 16‑23‑720(C) | Possessing, manufacturing, transporting, distributing, possessing with the intent to distribute any explosive device, substance, or material configured to damage, injure, or kill a person, or possessing materials which when assembled constitute a destructive device |
| 16‑23‑720(D) | Threaten by means of a destructive weapon |
| 16‑23‑720(E) | Harboring one known to have violated provisions relating to bombs, weapons of mass destruction and destructive devises |
| 16‑23‑730 | Communicating or transmitting to a person that a hoax device or replica is a destructive device or detonator with intent to intimidate or threaten injury, obtain property, or interfere with the ability of a person or government to conduct its affairs |
| 16‑23‑750 | Communicating or aiding and abetting the communication of a threat or conveying false information concerning an attempt to kill, injure, or intimidate a person or damage property or destroy by means of an explosive, incendiary, or destructive device (second or subsequent offense) |
| 24‑3‑210 | Furloughs for qualified inmates of state prison system—Failure to return (See section 24‑13‑410) |
| 24‑13‑410(B) | Escaping or attempting to escape from prison or possessing tools or weapons used to escape |
| 24‑13‑470 | Inmate throwing bodily fluids on a correctional facility employee |
| 43‑35‑85(B) | Abusing or neglecting a vulnerable adult that results in great bodily injury |
| 43‑35‑85(D),  16‑3‑1050(E) | Abuse or neglect of a vulnerable adult resulting in great bodily injury |
| 44‑53‑370(b)(1) | Prohibited Acts A, penalties (narcotic drugs in Schedule I (b) and (c), LSD, and Schedule II) |
|  | First offense |
| 44‑53‑370 | Prohibited Acts A, penalties (g)(2)(a) (distribution of controlled substances with intent to commit a crime) |
|  | First offense |
| 44‑53‑375(B)(1) | Manufacture, distribution, etc., methamphetamine or cocaine |
|  | First offense |
| 44‑53‑445(B)(2) | Distribution, manufacture, sale, or possession of crack cocaine within proximity of a school |
| 44‑53‑577 | Unlawful to hire, solicit, direct a person under 17 years of age to transport, conceal, or conduct financial transaction relating to unlawful drug activity |
| 50‑21‑113(A)(1) | Operating a moving water device while under the influence of alcohol or drugs where great bodily injury results |
| 56‑5‑2945(A)(1) | Causing great bodily injury by operating vehicle while under influence of drugs or alcohol |
| 58‑7‑60(D)(1) | Unlawful appropriation of gas that results in great bodily injury to another person |
| 58‑7‑70(E)(1) | Wrongful use of gas and interference with gas meters that results in great bodily injury to another person |

(E) The following offenses are Class E felonies and the maximum terms established for a Class E felony, not more than ten years, as set forth in Section 16‑1‑20(A), apply:

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| 7‑25‑50 | Bribery at elections |
|  | Second offense |
| 7‑25‑60 | Procuring or offering to procure votes by bribery |
|  | Second or subsequent offense |
| 7‑25‑80 | Threatening, intimidating, or abusing voters |
| 8‑1‑20 | Illegal collecting and retaining rebates, commissions, or discounts (public officers/employees) |
| 8‑13‑705 | Offering, giving, soliciting, or receiving anything of value to influence action of public employee, member, or official |
| 9‑16‑350 | Use of any information concerning State Retirement Systems Investment Panel activities by member or employee to obtain economic interest |
| 15‑49‑20(H) | Falsifying affidavit in order to obtain employment after having been convicted of an offense requiring registration as a sex offender |
| 16‑1‑55 | Accessory after the fact of a Class D Felony |
| 16‑1‑57 | Third or subsequent conviction of certain property crimes |
| 16‑3‑600(C) | First degree assault and battery |
| 16‑3‑615 | Spousal sexual battery |
| 16‑3‑625 | Resisting arrest with deadly weapon |
| 16‑3‑654 | Criminal sexual conduct |
|  | Third degree |
| 16‑3‑656 | Assault with intent to commit criminal sexual conduct |
|  | Third degree |
| 16‑3‑820 | Promoting, producing, or directing a sexual performance by a child under 18 |
| 16‑3‑1060 | No person may accept fee, compensation, etc. (for relinquishing the custody of a child for adoption) |
| 16‑3‑1730(B) | Stalking while injunction or restraining order prohibiting this conduct is in effect |
| 16‑7‑160(2) | Illegal use of stink bombs or other devices containing foul or offensive odors—bodily harm results |
| 16‑8‑20(B)(2) | Teaching, demonstrating the use, application, or making of a firearm or destructive device (second or subsequent offense) |
| 16‑8‑240(B) | Use of or threat of physical violence by criminal gang member |
| 16‑8‑250(B) | Preventing or attempting to prevent a witness or victim from attending or giving testimony at a trial that concerns criminal gang activity |
| 16‑9‑220 | Acceptance of bribes by officers |
| 16‑9‑320(B) | Assaulting police officer serving process or while resisting arrest |
| 16‑9‑340 | Intimidation of court officials, jurors, or witnesses |
| 16‑9‑410(C)(1) | Aiding escapes from prison, for prisoners serving term of incarceration |
| 16‑11‑110(C) | Arson—third degree |
| 16‑11‑312(C)(1) | Burglary—second degree, dwelling |
| 16‑11‑313 | Burglary—third degree |
|  | Second offense |
| 16‑11‑510(B)(1) | Malicious injury to animals and personal property (value $10,000 or more) |
| 16‑11‑520(B)(1) | Malicious injury to real property (value $10,000 or more) |
| 16‑11‑523(C)(2) | Injuring real property when illegally obtaining nonferrous metals where the value of the injury is $10,000 or more |
| 16‑11‑535 | Malicious injury to place of worship |
| 16‑11‑580(C)(2) | Forest product violation (value more than $1,000 and less than $5,000) ‑ 2nd or subsequent offense |
| 16‑11‑580(D)(2) | Forest product violation (value at least $5,000) ‑ 2nd or subsequent offense |
| 16‑11‑740 | Malicious injury to telegraph, telephone, or electric utility system |
| 16‑13‑10(B)(1) | Forgery (value $10,000 or more) |
| 16‑13‑30(B)(2) | Grand larceny (value $10,000 or more) |
| 16‑13‑40(3) | Stealing of bonds and the like (value $10,000 or more) |
| 16‑13‑50(A)(1) | Stealing livestock, confiscation of motor vehicle, or other chattel (value $10,000 or more) |
| 16‑13‑70(B)(1) | Stealing of vessels and equipment, payment of damages (value $10,000 or more) |
| 16‑13‑110(B)(3) | Shoplifting (value $10,000 or more) |
| 16‑13‑131(C)(2) | Larceny against a merchant by affixing a fraudulent product code on merchandise ‑ second or subsequent offense |
| 16‑13‑165(B)(2)(b) | Knowingly and intentionally importing, manufacturing, or selling a counterfeit nonfunctional airbag—2nd or subsequent offense |
| 16‑13‑165(B)(3)(b) | Knowingly and intentionally selling, leasing, trading, or transferring motor vehicle containing counterfeit or nonfunctional airbag—2nd or subsequent offense |
| 16‑13‑165(B)(4)(a) | Knowingly and intentionally installing, reselling, importing, or selling counterfeit non functioning airbags that cause great bodily harm or death ‑ 1st offense |
| 16‑13‑170 | Entering house or vessel without breaking in with intent to steal, attempt to enter |
| 16‑13‑180(3) | Receiving stolen goods (value $10,000 or more) |
| 16‑13‑210(B)(1) | Embezzlement of public funds (value $10,000 or more) |
| 16‑13‑230(B)(3) | Breach of trust with fraudulent intent (value $10,000 or more) |
| 16‑13‑240(1) | Obtaining signature or property by false pretenses (value $10,000 or more) |
| 16‑13‑260(1) | Obtaining property under false tokens or letters (value $10,000 or more) |
| 16‑13‑290(1) | Securing property by fraudulent impersonation of officer (value over $400) |
| 16‑13‑385 | Tampering with a utility meter for the purpose of growing or manufacturing controlled substances |
| 16‑13‑420(B)(1) | Failure to return rented objects, fraudulent appropriation (value $10,000 or more) |
| 16‑13‑430(C)(1) | Fraudulent acquisition or use of food stamps (value $10,000 or more) |
| 16‑13‑440(B)(3) | Obtaining a refund with a fraudulent driver’s license or identity card regardless of value ‑ second or subsequent offense |
| 16‑13‑510 | Financial identity fraud |
| 16‑15‑335 | Unlawful to hire, employ, use, or permit any person under 18 to do anything violating obscenity statutes |
| 16‑15‑342 | Criminal solicitation of a minor |
| 16‑15‑345 | Unlawful to disseminate obscene material to any person under 18 years of age |
| 16‑15‑385 | Dissemination of obscene material to minors is unlawful |
| 16‑15‑387 | Employing a person under eighteen to appear in public in the state of sexually explicit nudity |
| 16‑15‑405(D) | Sexual exploitation of a minor |
|  | Second degree |
| 16‑15‑410 | Sexual exploitation of a minor |
|  | Third degree |
| 16‑17‑470(C) | Aggravated voyeurism |
| 16‑17‑495(D) | Transport of child by physical force or threat of physical force with intent to avoid custody order |
| 16‑17‑550 | Bribery of athletes and athletic officials |
| 16‑17‑600(A),(B) | Destruction or desecration of human remains or repositories—destroys, damages, or desecrates human remains and vandalizes, desecrates, injures gravestones or memorials |
| 16‑17‑640 | Blackmail |
| 16‑17‑680(C)(2) | Obtaining permit to transport and sell nonferrous metals for the purpose of transporting or selling stolen nonferrous metals |
| 16‑17‑680(G) | Transportation of stolen nonferrous metals |
| 16‑21‑80(3) | Receiving, possessing, concealing, selling, or disposing of stolen vehicle (value $10,000 or more) |
| 16‑23‑220 | Unlawful transportation of machine gun or sawed‑off shotgun or rifle (see 16‑23‑260) |
| 16‑23‑230 | Unlawful storing, keeping, or possessing machine gun or sawed‑off shotgun or rifle (see 16‑23‑260) |
| 16‑23‑240 | Unlawful selling, renting, or giving away of machine gun or sawed‑off shotgun or rifle (see 16‑23‑260) |
| 16‑23‑440(A) | Discharging firearms at or into dwellings |
| 16‑23‑440(B) | Discharging firearms at or into a vehicle, aircraft, watercraft, or other device |
| 16‑23‑530 | Possession of a gun by an illegal alien |
| 16‑23‑750 | Communicating or aiding and abetting the communication of a threat or conveying false information concerning an attempt to kill, injure, or intimidate a person or damage or destroy property by means of an explosive, incendiary, or destructive device (first offense) |
| 16‑25‑20(B) | Domestic violence in the first degree |
| 17‑13‑50 | Right to be informed of grounds for arrest, consequences of refusal to answer or false answer |
| 23‑31‑340 | Penalties (violation of article regulating use and possession of machine guns, sawed‑off shotguns, and rifles) |
| 23‑31‑360 | Unregistered possession of machine guns by licensed manufacturer |
| 23‑36‑170(b) | Violation of South Carolina Explosives Control Act |
|  | Second offense |
| 24‑3‑910 | Penalty for penitentiary employee’s connivance at escape of prisoners |
| 24‑3‑950 | Contraband (possession by prisoner or furnishing prisoner with or attempt to furnish) |
| 24‑7‑155 | Furnishing or possessing contraband in county or municipal prisons prohibited |
| 24‑13‑420 | Harboring or employing escaped convicts |
| 24‑13‑430(2) | Participating in riot by prisoners |
| 24‑13‑440 | Carrying or concealing weapon by inmates |
| 25‑7‑50 | False reports, insubordination, obstruction of recruiting during war |
| 25‑7‑70 | Sabotage |
| 32‑7‑100(A)(2) | Preneed funeral contract violations (value more than $ 10,000) |
| 34‑3‑10 | Use of word “bank” or “banking” by other than banking institutions |
| 34‑11‑60 | Drawing and uttering fraudulent check, draft, or other written order (more than $1,000, see Section 34‑11‑90(b)) Third and subsequent offenses |
| 34‑13‑90 | Penalty for improper borrowing by directors or officers |
| 35‑1‑508(a)(1) | Violation of Title 35, Chapter 1 when investor loses twenty thousand dollars or more |
| 35‑11‑740(A)(1)(b)(ii) | Conducting or attempting to conduct financial transactions that involve the proceeds of an unlawful activity when the transactions exceed $20,000 but are less than $100,000 in a 12‑ month period |
| 35‑11‑740(A)(2)(b)(ii) | Transporting, transmitting or transferring, or attempting to commit those activities with regard to funds across state or international boundaries unlawfully when the transactions exceed $20,000 but are less than $100,000 in a 12‑month period |
| 35‑11‑740(A)(3)(b)(ii) | Concealing or disguising the nature location, source, ownership, or control of property believed to be the proceeds of unlawful activity, or conduct, or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be proceeds of unlawful activity, or property used to conduct or facilitate unlawful activity if the transactions exceed $20,000 but are less than $100,000 in a 12‑ month period |
| 36‑9‑410(C)(3) | Unlawful disposal of personal property that is subject to a perfected security interest whose value is $10,000 or more |
| 38‑38‑720(3) | Making a false statement or representation regarding a fraternal benefit society (second or subsequent offense) |
| 38‑55‑170(1) | Presenting false claim for payment (insurance companies) (value $10,000 or more) |
| 38‑55‑540(A)(4) | Knowingly making false statement or misrepresentation resulting in economic advantage of fifty thousand dollars or more, first offense |
| 38‑55‑540(A)(5) | Knowingly making false statement or misrepresentation resulting in economic advantage of any amount, second offense |
| 38‑73‑1120(C) | Insurance, provisions to ensure expenses are allocated and treated properly |
| 39‑8‑90(A) | Stealing trade secrets |
| 39‑9‑208(B) | Uniform weights and measures law violation |
| 39‑15‑1190(B)(1)(a)(iv) | Transferring, distributing, selling, or otherwise disposing of an item having a counterfeit mark on it, Second Offense |
| 39‑15‑1190(B)(1)(b)(ii) | Trafficking in counterfeit marks, Second or Subsequent Offense |
| 39‑22‑90(A)(8) | State warehouse system violation if the amount of the violation is $5,000 or more |
| 39‑73‑325 | Violation of regulation under State Commodity Code |
| 40‑83‑30(J) | Participating in the use of a false document in connection with acts as an immigration assistant |
| 44‑23‑1080(2) | Furnishing Department of Mental Health patients or prisoners with firearms or dangerous weapons |
| 44‑23‑1150(C)(1) | First degree sexual misconduct |
| 44‑29‑145 | Exposing others to Human Immuno Deficiency Virus |
| 44‑52‑165(A)(3) | Possession of firearms or dangerous weapons by patient receiving inpatient services operated by Department of Mental Health |
| 44‑52‑165(B)(1) | Intentionally allowing patient receiving inpatient services by Department of Mental Health to possess alcoholic beverages or controlled substances |
| 44‑52‑165(B)(2) | Intentionally allowing patient receiving inpatient services by Department of Mental Health to possess firearms or dangerous weapons |
| 44‑53‑365 | Taking or exercising control over another person’s controlled substance—Second offense |
| 44‑53‑370(b)(2) | Prohibited Acts A, penalties (manufacture or possession of other substances in Schedule I, II, III, flunitrazepam, or a controlled substance analogue with intent to distribute) |
|  | Second offense |
| 44‑53‑370(d)(3) | Possession of cocaine, third or subsequent offense |
| 44‑53‑370(e)(1)(a)1 | Prohibited Acts A, penalties (trafficking in marijuana, 10 pounds or more, but less than 100 pounds) |
| 44‑53‑370(e)(2)(a)1 | Prohibited Acts A, penalties (trafficking in cocaine, 10 grams or more, but less than 28 grams) |
| 44‑53‑370(e)(4)(a)1 | Prohibited Acts A, penalties (trafficking in methaqualone, 15 grams or more, but less than 150 grams) |
| 44‑53‑370(e)(5)(a)1 | Prohibited Acts, penalties (trafficking in LSD, 100 dosage units or more, but less than 500 dosage units) |
|  | First offense |
| 44‑53‑370(e)(6)(a)(1) | Prohibited acts, penalties (trafficking in flunitrazepam, 1 gram but less than 100 grams) |
|  | First offense |
| 44‑53‑370(e)(7)(a) | Trafficking in gamma hydroxybutyric acid (first offense) |
| 44‑53‑370(e)(8)(a)(i) | Trafficking in MDMA or ecstasy, 100 dosage units but less than 500—First offense |
| 44‑53‑375(A) | Possession of less than one gram of methamphetamine or cocaine base, third or subsequent offense |
| 44‑53‑375(C)(1)(a) | Trafficking in ice, crank, or crack cocaine 10 grams or more, but less than 28 grams |
|  | First offense |
| 44‑53‑375(E)(1)(a)(i) | Trafficking in nine grams or more, but less than twenty‑eight grams of ephedrine, pseudoephedrine, or phenylpropanolamine, first offense |
| 44‑53‑376(B) | Knowingly causing to be disposed any waste from the production of methamphetamine or knowingly assisting, soliciting, or conspiring with another to dispose of the waste, Second Offense |
| 44‑53‑378 | Manufacturing and exposing a child to methamphetamines |
| 44‑53‑398(H)(5) | Possessing, manufacturing, delivering, distributing, dispensing, administering, purchasing, selling, or possessing with intent to distribute any substance that contains any amount of ephedrine or pseudoephedrine which has been altered from its original condition, Second Offense |
| 44‑53‑440 | Distribution of controlled substance under Section 44‑53‑370(a) and (b) to persons under 18 violation |
| 44‑53‑445(B)(1) | Distribution, manufacture, or sale of controlled substance within proximity of school (other than crack cocaine) |
| 44‑53‑1530(1)(b) | Distribution of anabolic steroids (second or subsequent offense) |
| 44‑53‑1530(4)(b) | Possession of anabolic steroids, 100 or more doses (second or subsequent offense) |
| 44‑53‑1680(B) | Knowingly disclosing information in violation of the Prescription Monitoring Program |
| 44‑53‑1680(C) | Knowingly using prescription monitoring information in a manner or for a purpose in violation of the Prescription Monitoring Program |
| 44‑55‑1510 | Discharge of fumes of acids or similar substances |
| 45‑2‑40(B)(1) | Inflicting $10,000 or more in damages to a lodging establishment while using or possessing a controlled substance, beer, wine, or alcohol |
| 46‑1‑20(1) | Stealing crops from the field (value $10,000 or more) |
| 46‑1‑40(1) | Stealing tobacco plants from bed (value $10,000 or more) |
| 46‑1‑60(B)(1) | Making away with produce before payment (value $10,000 or more) |
| 46‑1‑70(B)(1) | Factors or commission merchants failing to account for produce (value $10,000 or more) |
| 46‑1‑160(D)(2) | Knowingly using false information to obtain or use South Carolina Farm Aid Fund funds for ineligible expenses when the value of the property is at least $100,000 |
| 47‑19‑120(C)(2) | Interference with person performing official duties under chapter on poultry inspection—use of deadly weapon in commission of violation |
| 48‑23‑265(C)(2) | Forest products violation second or subsequent offense (value at least $5,000) |
| 49‑1‑50(C)(1) | Sale of drifted timber, lumber ($10,000 or more value) |
| 50‑21‑115 | Reckless homicide by operation of a boat (reclassified from Class F felony in 2002) |
| 50‑21‑130(A)(2) | Failure of an operator of a vessel involved in a collision resulting in great bodily injury to stop and render assistance |
| 55‑1‑30(2) | Unlawful removing or damaging of airport facility or equipment when injury results |
| 55‑1‑40 | Unlawful entry of aircraft, damaging, or removing equipment |
| 56‑1‑1105(B)(1) | Unlawful driving by habitual offender resulting in great bodily injury |
| 56‑5‑750(C)(1) | Failure to stop for a law enforcement vehicle (great bodily harm occurs) |
| 56‑5‑1030(B)(2) | Interference with traffic‑control devices or railroad sign or signals prohibited—injury results |
| 56‑5‑1210(A)(2) | Failure to stop a vehicle involved in an accident when great bodily injury results |
| 56‑5‑2910 | Reckless homicide |
| 56‑5‑2941(K)(1)(c) | Unlawful operation of a vehicle equipped with an ignition interlock device |
| 56‑5‑4975(C) | Operation of unlicensed ambulance without removing exterior markings, sirens, etc., with intent to commit terrorist act |
| 56‑29‑30(A) | Unlawful to own, operate, or conduct a chop shop or to transport or sell a motor vehicle to a chop shop |
| 58‑15‑850 | Breaking and entering or shooting into cars |
| 63‑5‑70 | Unlawful conduct toward a child |
| 63‑13‑200 | Committing certain crimes near a childcare facility |
| 63‑19‑1670 | Furnishing contraband to a juvenile in the custody of the Department of Juvenile Justice |

(F) The following offenses are Class F felonies and the maximum terms established for a Class F felony, not more than five years, as set forth in Section 16‑1‑20(A), apply:

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| 2‑2‑100 | Contempt of the General Assembly |
| 2‑2‑120 | Criminal contempt of the General Assembly |
| 7‑25‑50 | Bribery at elections, first offense |
| 7‑25‑60 | Procuring or offering to procure votes by bribery |
|  | First offense |
| 7‑25‑190 | Illegal conduct at elections generally |
| 8‑13‑725(B) | Public official disclosing confidential information |
| 8‑14‑60 | Intentional use of a false document in connection with public employment |
| 8‑29‑10(F) | Intentional use of a false document or aiding in the use of a false document to obtain a public benefit |
| 11‑48‑90(A) | Sale or possession of counterfeit cigarettes |
| 12‑21‑2716 | Unlawful manufacture or sale of slugs to be used in coin‑operated devices |
| 12‑21‑4150 | Posing as a bingo player with the intent to defraud bingo customers |
| 12‑21‑6000(B) | Marijuana and Controlled Substance Tax Act |
| 12‑21‑6040(A) | Revealing facts contained in report under Marijuana and Controlled Substance Tax Act |
| 12‑54‑44(B)(1) | Wilful attempt to evade or defeat tax imposed |
| 12‑54‑44(B)(2) | Wilful failure to collect or truthfully account for and pay over tax money |
| 12‑54‑44(B)(6)(a)(i) | Wilfully subscribing to false or fraudulent tax return |
| 12‑54‑44(B)(6)(a)(ii) | Wilfully assisting in false or fraudulent tax return |
| 12‑54‑44(B)(6)(b) | Violation of prohibition against preparing returns by person convicted of preparing false return |
| 16‑1‑55 | Accessory after the fact of a Class E felony |
| 16‑3‑60 | Involuntary manslaughter |
| 16‑3‑95(B) | Inflicting great bodily injury on a child by a person responsible for the child’s welfare |
| 16‑3‑755(B) | Sexual battery with a student |
| 16‑3‑755(D) | Sexual battery with a student |
| 16‑3‑1040(A) | Threatening life, person or family of public official |
| 16‑3‑1050(B) | Abuse of a vulnerable adult |
| 16‑3‑1050(C) | Neglect of a vulnerable adult |
| 16‑3‑1050(D) | Exploitation of a vulnerable adult |
| 16‑3‑1080(A) | Committing or attempting to commit a violent crime while wearing body armor |
| 16‑3‑1085(D)(1) | Violent offender prohibited from purchasing, owning, or using body armor |
| 16‑3‑1720(C) | Stalking (with prior conviction) |
| 16‑3‑1730(A) | Stalking |
| 16‑3‑1910(O) | Violation of a permanent restraining order if the underlying conviction that was the basis for the permanent restraining order was a felony |
| 16‑3‑1920(N) | Violation of an emergency restraining order if the underlying conviction that was the basis for the emergency restraining order was a felony |
| 16‑3‑2080(F) | Disclosing information about a trafficking victim or certain shelters or unlawfully entering the grounds of a shelter while possessing a weapon |
| 16‑5‑10 | Conspiracy against civil rights |
| 16‑5‑130(1) | Penalties for instigating, aiding or participating in riot—resists enforcement of statute of state or United States, obstruct public officer, Carries weapon, etc. |
| 16‑8‑20(B)(1) | Demonstrating the use of a bomb (first offense) |
| 16‑8‑240(A) | Committing or threatening acts of violence with the intent to coerce, induce, or solicit another person to participate in gang activity, second offense |
| 16‑9‑10(B)(1) | Perjury and subordination of perjury |
| 16‑9‑30 | False swearing before persons authorized to administer oaths |
| 16‑9‑210 | Giving or offering bribes to officers |
| 16‑9‑230 | Acceptance of rebates or extra compensation |
| 16‑9‑260 | Corrupting jurors, arbitrators, umpires, or referees |
| 16‑9‑270 | Acceptance of bribes by jurors, arbitrators, umpires, or referees |
| 16‑9‑460 | Movement and harboring intended to further illegal entry or detection |
| 16‑11‑20 | Making, mending or possessing tools or other implements capable of being used in crime |
| 16‑11‑125 | Making false claim or statement in support of claim to obtain insurance benefits for fire or explosion loss |
| 16‑11‑130 | Burning personal property to defraud insurer |
| 16‑11‑150 | Burning lands of another without consent |
|  | Second and subsequent offense |
| 16‑11‑170 | Wilfully burning lands of another |
| 16‑11‑190 | Wilfully and maliciously attempts to burn |
| 16‑11‑313(B) | Burglary—third degree |
|  | First offense |
| 16‑11‑510(B)(2) | Malicious injury to animals and personal property (value over $2,000 up to $10,000) |
| 16‑11‑520(B)(2) | Malicious injury to real property (value over $2,000 up to $10,000) |
| 16‑11‑523(C)(2) | Injuring real property while illegally obtaining nonferrous metals where the value of the injury is greater than $2,000 but less than $10,000 |
| 16‑11‑617 | Unlawful to cultivate or attempt to cultivate marijuana on land of another |
| 16‑11‑725(B)(2) | Rummaging through or stealing another person’s household garbage |
| 16‑11‑780 | Entering certain lands to discover, uncover, move, remove, or attempt to remove an archaeological resource‑Third or subsequent offense |
| 16‑11‑910 and  16‑11‑915 | Transfer of recorded sounds for unauthorized use or sale |
| 16‑11‑930 | Illegal distribution of recording without name and address of manufacturer and designation of featured artist (See Sections 16‑11‑920(B) and 16‑11‑940) |
| 16‑13‑10(B)(1) | Forgery (value more than $10,000) |
| 16‑13‑30(B)(2) | Grand larceny (value over $2,000 up to $10,000) |
| 16‑13‑40(2) | Stealing of bonds and the like (value over $2,000 up to $10,000) |
| 16‑13‑50(A)(2) | Stealing livestock, confiscation of motor vehicle or other chattel (value over $2,000 up to $10,000) |
| 16‑13‑70(B)(2) | Stealing of vessels and equipment—payment of damages (value over $2,000 up to $10,000) |
| 16‑13‑110(B)(2) | Shoplifting (value over $2,000 up to $10,000) |
| 16‑13‑160 | Breaking into motor vehicles or tanks, pumps, and other containers where fuel or lubricants are stored |
| 16‑13‑165(B)(1)(b) | Knowingly and intentionally importing, manufacturing, or selling counterfeit nonconforming airbags—2nd or subsequent offense |
| 16‑13‑165(B)(2)(a) | Knowingly and intentionally importing, manufacturing, or selling counterfeit nonconforming airbags—1st offense |
| 16‑13‑165(B)(3)(a) | Knowingly or intentionally selling, leasing, trading, or transferring motor vehicle containing counterfeit or nonfunctional airbag—1st offense |
| 16‑13‑210(B)(2) | Embezzlement of less than $10,000 in public funds |
| 16‑13‑230(B)(2) | Breach of trust with fraudulent intent (value over $2,000 up to $10,000) |
| 16‑13‑240(2) | Obtaining signature or property by false pretenses (value over $2,000 up to $10,000) |
| 16‑13‑260(2) | Obtaining property under false tokens or letters (value over $2,000 up to $10,000) |
| 16‑13‑385(B)(3) | Tampering with a utility meter ‑ third or subsequent offense |
| 16‑13‑385(C)(3) | Tampering with a utility meter for profit ‑ third or subsequent offense |
| 16‑13‑385(D)(3) | Tampering with a utility meter that results in property damage in excess of $5,000 or results in the risk of great bodily injury or death ‑ third or subsequent offense |
| 16‑13‑420(B)(2) | Failure to return rented objects, fraudulent appropriation (value over $2,000 up to $10,000) |
| 16‑13‑430(C)(2) | Fraudulent acquisition or use of food stamps (value over $2,000 up to $10,000) |
| 16‑13‑440(B)(2) | Obtaining a refund with a fraudulent driver’s license or identity card when the value is two thousand dollars or more |
| 16‑13‑470(B)(2) | Defrauding a drug or alcohol screening test (second or subsequent offense) |
| 16‑13‑480 | Providing false picture identifications for use by unlawful aliens |
| 16‑13‑510(E) | Financial identity fraud and identity fraud |
| 16‑13‑512(C)(2) | Unlawfully printing information on credit and debit card receipts |
| 16‑13‑525(D) | Display or possession of a false identification or document for the purpose of proving lawful presence—Second and subsequent offense |
| 16‑14‑20 | Financial transaction card theft |
| 16‑14‑40 | Financial transaction card forgery |
| 16‑14‑60(a) | Financial transaction card fraud—value of things of value exceeds five hundred dollars in a six‑month period |
| 16‑14‑60(g) | Financial transaction card fraud |
| 16‑14‑70 | Criminal possession of financial transaction card forgery devices |
| 16‑14‑80(B)(2) | Criminally receiving goods and services fraudulently obtained with financial transaction card (value over $1,000) |
| 16‑14‑100 | Financial Transaction Card Crime Act violation |
| 16‑15‑10 | Bigamy |
| 16‑15‑120 | Buggery |
| 16‑15‑305(A) | Unlawfully disseminating, processing, or promoting obscenity |
| 16‑15‑425(C) | Participation in the prostitution of a minor |
| 16‑16‑20(2) | Computer crime—First degree |
| 16‑17‑410 | Conspiracy |
| 16‑17‑470(B)(2) | Voyeurism (second or subsequent offense) |
| 16‑17‑495(B) | Transporting a child under sixteen years of age with the purpose of concealing the child or avoiding a custody order or statute |
| 16‑17‑600(C) | Destruction or desecration of human remains or repositories—destroys, tears down, injures fencing, trees, flowers, or shrubs around a repository of human remains |
| 16‑17‑680(E) | Unlawful sale of nonferrous metals in any amount to a secondary metals recycler, third or subsequent offense |
| 16‑17‑722(B) | Knowingly file a false police report regarding a felony |
| 16‑17‑770(A)(3) | Impersonating a lawyer—Third or subsequent offense |
| 16‑21‑10 | Altering, forging, or counterfeiting certificate of title, registration card, or license plate, misrepresentation or concealment in application |
| 16‑21‑40(A)(2), (A)(4) | Removing or falsifying identification number of vehicle or engine and buying, receiving, or selling such vehicle or engine |
| 16‑21‑80(2) | Receiving, possessing, concealing, selling, or disposing of stolen vehicle (value over $2,000 up to $10,000) |
| 16‑23‑30 | Sale or delivery of pistol to and possession by certain persons unlawful, stolen pistols (See Section 16‑23‑50) |
| 16‑23‑50(A)(1) | Handguns |
| 16‑23‑410 | Pointing firearms at a person |
| 16‑23‑415 | Taking a firearm, stun gun, or taser device from a law enforcement officer |
| 16‑23‑420 | Carrying or displaying firearms in public buildings or adjacent areas |
| 16‑23‑430 | Carrying weapons on school property |
| 16‑23‑480 | Manufacture or possession of article designed to cause damage by fire or other means |
| 16‑23‑490 | Possession of firearm or knife during commission or attempt to commit violent crime |
| 16‑23‑500(B) | Possession of a firearm or ammunition by a person convicted of a violent crime |
| 16‑23‑520 | Use, transportation, manufacture, possession, purchase, or sale of teflon‑coated ammunition |
| 16‑23‑740 | Hindering certain individuals or devices during the detection, disarming, or destruction of a destructive device |
| 16‑25‑20(B)(3) | Criminal domestic violence—Third offense |
| 16‑25‑20 | Commission of criminal domestic violence—Third or subsequent offense |
| 16‑25‑30(B) | Ship, transport, receive, or possess a firearm or ammunition, if the person has been convicted of particular domestic violence offenses |
| 16‑25‑125(E) | Unlawful entry upon the grounds of a domestic violence shelter while possessing a dangerous weapon |
| 16‑27‑30 | Animal fighting or baiting |
| 16‑27‑40 | Presence at facility where animal fighting or baiting is taking place |
|  | Third and subsequent offenses |
| 17‑13‑170 | False, fictitious, fraudulent, or counterfeit picture identification for purpose of offering proof of lawful presence in the U.S., second or subsequent offense |
| 17‑15‑90(1) | Wilful failure to appear before a court when released in connection with a charge for a felony or while awaiting sentencing |
| 17‑30‑50(A) | Interception of wire, electronic, or oral communications |
| 17‑30‑55(A) | Sending or manufacturing device for unlawful interception of wire, oral or electronic communications |
| 20‑4‑60(B)(2) | Possession firearm at time of criminal domestic violence |
| 20‑4‑375(A) | Making, presenting, filing, or attempting to file a false, fictitious, or fraudulent foreign protection order |
| 23‑3‑470(B)(3) | Failure of sex offender to register |
|  | Third or subsequent offense |
| 23‑3‑475(B)(3) | Providing false information when registering as a sex offender |
|  | Third or subsequent offense |
| 23‑3‑510(2) | Committing a felony by using information obtained from the sex offender registry |
| 23‑3‑535(D)(3) | Sex offender’s failure to vacate a residence that is within one thousand feet of a school, daycare center, children’s recreational facility, park, or public playground—Second offense |
| 23‑3‑540(I) | Sex offender failing to comply with reporting requirements |
| 23‑3‑540(L) | Sex offender removing or tampering with monitoring device |
| 23‑3‑550 | Assisting or harboring unregistered sex offender |
| 23‑3‑650(C) | Unlawful disclosure of DNA information from State DNA Database |
| 23‑31‑160 | False information or evidence on firearms license application (See Section 23‑31‑190) |
| 23‑31‑190 | Penalties, violation concerning regulation of pistols |
| 23‑31‑1040 | Unlawful for a person adjudicated as a mental defective or committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition |
| 23‑36‑170(a) | Penalty (violation of South Carolina Explosives Control Act) |
|  | First offense |
| 23‑50‑50(B) | Divulging privileged communication, protected information, or a protected identity with intent to obtain monetary gain or other benefit |
| 24‑1‑270 | Trespass or loitering on or refusal to leave state correctional properties |
| 27‑32‑120(B) | Violation of vacation time sharing plans |
|  | Third or subsequent offense |
| 32‑7‑100(A)(2) | Preneed funeral contract violations (value between $2,000 and $ 10,000) |
| 33‑56‑145(A) | Defrauding a charity (second or subsequent offense) |
| 33‑56‑145(B) | Giving false information with respect to registering a charity (second or subsequent offense) |
| 33‑57‑170(A) | Person or organization that unlawfully conducts a nonprofit raffle‑second or subsequent offense |
| 33‑57‑170(B) | Person or organization that violates a provision of Title 33, Chapter 57 with the intent to deceive or defraud an individual or nonprofit organization ‑ second or subsequent offense |
| 33‑57‑170(C) | Person or organization that gives false or misleading information on a registration or report under Title 33, Chapter 57 |
| 34‑3‑110(B) | Crimes against a federally chartered or insured financial institution |
| 35‑1‑508(a)(2) | Violation of Title 35, Chapter 1 when an investor loses less than twenty thousand dollars, but more than one thousand dollars |
| 35‑11‑740(A)(1)(b)(i) | Conducting or attempting to conduct financial transactions that involve the proceeds of an unlawful activity when the transactions exceed $300 but are less than $20,000 in a 12‑month period |
| 35‑11‑740(A)(2)(b)(i) | Transporting, transmitting, or transferring or attempting to commit these activities with regard to funds across state or international boundaries unlawfully when the transactions exceed $300 but are less than $20,000 in a 12‑month period |
| 35‑11‑740(A)(3)(b)(i) | Concealing or disguising the nature, location, source, ownership, or control of property believed to be the proceeds of unlawful activity; conducting or attempting to conduct financial transactions involving property represented by a law enforcement officer to be proceeds of unlawful activity, or property used to conduct or facilitate unlawful activity if the transactions exceed $20,000 in a 12‑month period |
| 36‑9‑410(C)(2) | Unlawful disposal of personal property that is subject to a perfected security interest whose value is more than $2,000 but less than $10,000 |
| 36‑9‑501(c) | Filing a false or fraudulent financing statement |
| 38‑9‑150 | Return of deposited securities (making false affidavit) |
| 38‑13‑170 | Making or aiding in making false statement (Insurance) |
| 38‑43‑245 | Licensed insurance producer fraudulently submitting application for insurance |
| 38‑55‑170(2) | Presenting false claim for payment (Insurance) (value over $2,000 up to $10,000) |
| 38‑55‑540(A)(3) | Knowingly making false statement or misrepresentation resulting in economic advantage of between ten and fifty thousand dollars, first offense |
| 39‑15‑1190(B)(1)(a)(iii) | Transferring, distributing, selling, or otherwise disposing of an item having a counterfeit mark on it, with goods or services having a value of $10000 or more but less than $50000; using any object, tool, machine, or other device to produce or reproduce a counterfeit mark |
| 39‑15‑1190(B)(1)(b)(i) | Trafficking in counterfeit marks, First Offense |
| 39‑22‑90(A)(1)‑(4), (9) | Prohibited acts. State Warehouse System (See Section 39‑22‑90(B)) |
| 39‑23‑80(B)(2) | Adulterated, misbranded, or new drugs and devices |
|  | Second offense |
| 39‑23‑80(B)(3) | Adulterated, misbranded, or new drugs and devices—with intent to defraud or mislead |
| 40‑5‑310 | Unlawful practice of law by a person |
| 41‑8‑70 | Intentional use of a false document in connection with private employment |
| 43‑35‑85(B), (C), (D),  16‑3‑1050(B), (C), (D) | Abuse, neglect, or exploitation of a vulnerable adult |
| 44‑23‑1150(C)(2) | Second degree sexual misconduct |
| 44‑41‑80 | Performing unlawful abortion |
| 44‑41‑85(A) | Performing a partial‑birth abortion |
| 44‑43‑375(A) | Purchase or sale of body part for transplantation or therapy |
| 44‑43‑380 | Falsification of document of gift or refusal for financial gain |
| 44‑53‑40(B) | Obtaining certain drugs, devices, preparations, or compounds by fraud, deceit, or the like |
|  | Second or subsequent offense |
| 44‑53‑365 | Taking or exercising control over another person’s controlled substance‑First offense |
| 44‑53‑370(b)(2) | Prohibited Acts A, penalties (manufacture or possession of other substances in Schedule I, II, III, flunitrazepam, or a controlled substance analogue with intent to distribute) |
|  | First offense |
| 44‑53‑370(b)(3) | Prohibited Acts A, penalties (manufacture or possession of Schedule IV drugs except for flunitrazepam with intent to distribute) |
|  | Second or subsequent offense |
| 44‑53‑370(d)(1) | Prohibited Acts A, penalties (possession of narcotic drugs in Schedule I (b), (c), LSD, and Schedule II) |
|  | Second, third, or subsequent offenses |
| 44‑53‑370(d)(3) | Possession of cocaine, second offense |
| 44‑53‑375(A) | Possession of less than one gram of methamphetamine or cocaine base, second offense |
| 44‑53‑376(B) | Knowingly causing to be disposed any waste from the production of methamphetamine or knowingly assisting, soliciting, or conspiring with another to dispose of the waste, First Offense |
| 44‑53‑378(B) | Exposing child to methamphetamine |
| 44‑53‑380 | Prohibited Acts B, penalties |
| 44‑53‑390 | Prohibited Acts C, penalties |
| 44‑53‑395 | Prohibited acts, penalties (prescription drugs) |
|  | Second or subsequent offense |
| 44‑53‑398(H)(5) | Possessing, manufacturing, delivering, distributing, dispensing, administering, purchasing, selling, or possessing with intent to distribute any substance that contains any amount of ephedrine or pseudoephedrine which has been altered from its original condition, First Offense |
| 44‑53‑1530(1)(a) | Distribution of anabolic steroids (first offense) |
| 44‑63‑161(B) | Making false statement on or altering official certificate or record |
| 45‑2‑40(B)(2) | Inflicting more than $2,000 but less than $10,000 in damages to a lodging establishment while using or possessing a controlled substance, beer, wine, or alcohol |
| 46‑1‑20(2) | Stealing crops from the field (value over $2,000 up to $10,000) |
| 46‑1‑40(2) | Stealing tobacco plants from bed (value over $2,000 up to $10,000) |
| 46‑1‑60(B)(2) | Making away with produce before payment (value over $2,000 up to $10,000) |
| 46‑1‑70(B)(2) | Factors or commission merchants failing to account for produce (value over $2,000 up to $10,000) |
| 46‑1‑75(B)(2) | Maliciously damaging farm product, research facility or equipment valued at $500 or more |
| 46‑1‑160(D)(2) | Knowingly using false information to obtain or use South Carolina Farm Aid Fund funds for ineligible expenses when the value of the property is greater than $2,000 but less than $10,000 |
| 46‑41‑30(2) | Unlawful to engage in business as dealer without license (agricultural products) |
|  | Second or subsequent offense |
| 47‑1‑40(B) | Torture, torment, mutilate, cruelly kill, or inflict excessive or repeated unnecessary pain or suffering upon an animal |
| 47‑3‑630 | Torturing, mutilating, injuring, disabling, poisoning, or killing a police dog |
| 47‑3‑760(B)(2) | Penalty for owner of dangerous animal which attacks and injures a human |
|  | Second or subsequent offense |
| 49‑1‑50(C)(2) | Sale of drifted lumber or timber (value over $2,000 up to $10,000) |
| 50‑11‑95(D) | Engaging in Computer Assisted Remote Hunting, Second and Subsequent Offense |
| 54‑7‑815 | Unlawful salvage of certain sunken warships |
| 55‑1‑30(1) | Unlawful removing or damaging of airport facility or equipment |
| 56‑1‑1100 | Habitual traffic offenders, violation of free vehicle registration for disabled veterans |
| 56‑1‑2070 | Driving commercial motor vehicle in violation of an out‑of‑service order, two violations |
| 56‑5‑750(B)(2) | Failure to stop for a law enforcement vehicle—Second or subsequent offense (no death or injury occurs) |
| 56‑5‑1030(B)(1) | Interference with traffic‑control devices or railroad sign or signals |
| 56‑5‑2780(B)(2) | Unlawful passing a school bus when death results |
| 56‑5‑2930 | Driving under influence of liquor, drugs, or like substances unlawful (See Section 56‑5‑2940(4)) |
| 56‑5‑2933 | Driving with an unlawful alcohol concentration, fourth or subsequent offense |
| 56‑5‑4975(B) | Operation of unlicensed ambulance without removing exterior markings, sirens, etc., with intent to commit felony |
|  | Fourth or subsequent offense |
| 56‑29‑30(B) | Unlawful to alter, counterfeit, deface, destroy, disguise, etc. a vehicle identification number |
| 56‑29‑30(C)(1) | Unlawful to buy, dispose, sell, transfer, or possess a motor vehicle or part with tampered identification number |
| 56‑29‑30(D) | Attempt to violate Motor Vehicle Chop Shop, Stolen, and Altered Property Act |
| 56‑29‑30(E) | Conspiracy to violate Motor Vehicle Chop Shop, Stolen, and Altered Property Act |
| 57‑1‑40 | Department of Transportation, bribery |
| 58‑7‑60(B)(3) | Unlawful appropriation of gas ‑ third or subsequent offense |
| 58‑7‑60(C)(1) | Unlawful appropriation of gas that result in property damage in excess of $5,000 or the risk of great bodily injury or death ‑ third or subsequent offense |
| 58‑7‑60(E)(3) | Aiding, abetting, or assisting another person in withdrawing and appropriating gas ‑ third or subsequent offense |
| 58‑7‑70(B) | Cheating and defrauding, or altering a meter to withdraw or take gas ‑ third or subsequent offense |
| 58‑7‑70(C)(3) | Wrongful use of gas and interference with gas meters for profit ‑ third or subsequent offense |
| 58‑7‑70(D)(3) | Wrongful use of gas and interference with gas meters for profit when violation results in property damage greater than $5,000 or in risk of great bodily injury or death ‑ third or subsequent offense |
| 58‑13‑740 | Violation of provisions concerning transportation of explosive compounds |
| 58‑15‑820 | Wilful obstruction of railroad or electric railway |
| 58‑15‑875(D)(3) | Unlawful conduct relating to railroad track material for recycling, third or subsequent offense |
| 58‑17‑4100 | Shooting or throwing missile at trains |
| 59‑150‑260(A) | Intentional making, altering, forging, uttering, passing, or counterfeiting a state lottery game ticket |
| 59‑150‑260(B) | Influencing or attempting to influence the winning of a prize through the use of coercion, fraud, deception, or tampering with lottery equipment or materials |
| 59‑150‑270(A) | Knowing or intentionally making a material false statement in an application for a license or proposal to conduct lottery activities or a material false entry in a book or record which is compiled or submitted to the lottery board |
| 59‑150‑400(D) | Conspiracy |

HISTORY: 1993 Act No. 184, Section 9; 1993 Act No. 163, Section 2; 1993 Act No. 164, Part II, Section 19B; 1993 Act No. 164, Part II, Section 70B; 1997 Act No. 136, Section 3; 1998 Act No. 372, Section 3; 1999 Act No. 56, Sections 2 to 4; 2010 Act No. 289, Sections 2, 3, eff June 11, 2010.

Code Commissioner’s Note

The crime classification tables are added by the Code Commissioner pursuant to Section 2‑13‑66, and updated annually.

Editor’s Note

2010 Act No. 273, Section 7.C, provides:

“Wherever in the 1976 Code of Laws reference is made to the common law offense of assault and battery of a high and aggravated nature, it means assault and battery with intent to kill, as contained in repealed Section 16‑3‑620, and, except for references in Section 16‑1‑60 and Section 17‑25‑45, wherever in the 1976 Code reference is made to assault and battery with intent to kill, it means attempted murder as defined in Section 16‑3‑29.”

CROSS REFERENCES

Code commissioner authorized to add all crimes and offenses enacted by the General Assembly to its appropriate category, see Section 2‑13‑66.

Nursing home or community residential care facility licensure, fingerprint‑based criminal records check requirement, see Section 44‑7‑264.

Library References

Criminal Law 27.

Sentencing and Punishment 66.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 12, 14 to 16.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 13, Use of a Deadly Weapon.

S.C. Jur. Burglary Section 17, of Another.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

NOTES OF DECISIONS

In general 1

1. In general

Leaving scene of accident in which death resulted was Class B felony for which defendant was not eligible for parole, regardless that offense had not been classified as Class B felony at time defendant entered plea. Kurtz v. State (S.C. 2006) 369 S.C. 15, 630 S.E.2d 472. Pardon And Parole 44

Code Commissioner has no discretion in classifying an offense as misdemeanor or Class A, B, or C felony; classification of offenses is merely a ministerial duty. Kurtz v. State (S.C. 2006) 369 S.C. 15, 630 S.E.2d 472. Criminal Law 13(2)

Criminal statutes are strictly construed against the State. State v. Lawrence (S.C.App. 2002) 349 S.C. 129, 561 S.E.2d 633. Criminal Law 12.7(2)

**SECTION 16‑1‑100.** Crimes classified as misdemeanors.

(A) The following offenses are Class A misdemeanors and the maximum terms established for a Class A misdemeanor, not more than three years, as set forth in Section 16‑1‑20(A), apply:

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| 4‑11‑130 | Disbursing officers may not exceed or transfer appropriations |
| 4‑17‑70 | Wilful injury to courthouse or jail |
| 5‑21‑30 | Municipal officers prohibited from contracting with municipality |
| 5‑21‑40 | Officers required to account to municipality for interest collected on deposits |
| 7‑5‑325 | Fraudulent change of address by elector for registration for voting purposes |
| 7‑13‑1920 | Tampering with voting machine |
| 7‑25‑10 | False swearing in applying for registration (election laws) |
| 7‑25‑70 | Procuring or offering to procure votes by threats |
| 7‑25‑110 | Voting more than once at elections |
| 7‑25‑120 | Impersonating a voter |
| 7‑25‑160 | Wilful neglect or corrupt conduct on the part of managers |
| 7‑25‑170 | Wilful neglect or corrupt conduct by officers other than managers |
| 8‑11‑30 | Payment or receipt of salary not due to state officers or employees |
| 9‑1‑1160(A) | Collection of members contribution, failure to make payroll reports and remittances (State Retirement System) |
| 10‑11‑315 | Defacing, destroying or attempting to deface or destroy a monument or flag on the capitol grounds |
| 10‑11‑320 | Carrying or discharging a firearm on the capitol grounds or in the capitol building |
| 10‑11‑360 | Violation of article concerning offenses on capitol grounds and in capitol building |
| 11‑1‑20 | Failure to account for interest on deposit of public funds |
| 11‑1‑40 | Contracts in excess of tax or appropriation, diverting public funds |
| 11‑9‑20 | Disbursing officers exceeding or transferring appropriations |
| 12‑2‑70 | Neglect or misconduct of county auditor or treasurer |
| 12‑28‑1500(F) | An operator of a refinery, terminal, or bulk plant failure to provide an automated shipping document to a driver of a fuel transportation vehicle receiving taxable motor fuel |
| 12‑28‑1545(B) | Licensed importer failure to meet requirements regarding fuel which has not been dyed, nor tax paid or accrued by the supplier |
| 12‑28‑1550(C) | Failure to meet requirements for exporting fuel |
| 12‑28‑1555(D) | Operation of a motor vehicle with dyed fuel |
| 12‑28‑1560(D) | Knowingly engaging or knowingly aiding and abetting another person to engage in a motor fuel business without a license |
| 12‑28‑1565(C) | Fuel must meet ASTM standards |
| 12‑28‑1570(C) | False statement on shipping paper regarding liability for user fees |
| 12‑28‑1585(C) | Tampering with metering device 12‑28‑1585 |
| 12‑28‑1720(C) | Truck drivers who violate certain shipping requirements for the second and subsequent times |
| 12‑28‑1940(B) | Refusing to allow certain inspections for the purpose of evading the payment of taxes |
| 12‑54‑44(B)(6)(c)(i) | Concealing goods on which tax imposed with intent to evade assessment or collection |
| 12‑54‑44(B)(6)(c)(ii) | Wilful failure to pay over money received from third party to discharge payor’s tax liability |
| 16‑3‑600(A) | Assault and battery in the second degree |
| 16‑3‑730 | Publishing name of victim of criminal sexual conduct unlawful |
| 16‑3‑1050(G) | Threatening, intimidating, or attempting to intimidate a vulnerable adult subject to an investigation |
| 16‑3‑1050(H) | Obstructing or impeding an investigation pursuant to Chapter 35 of Title 43 |
| 16‑3‑1720(A) | Harassment in the first degree |
| 16‑3‑1720(B) | Harassment in the first degree when a restraining order is in effect |
| 16‑3‑1910(O) | Violation of a permanent restraining order, if the underlying conviction that was the basis for the permanent restraining order was a misdemeanor |
| 16‑3‑1920(N) | Violation of an emergency restraining order, if the underlying conviction that was the basis for the emergency restraining order was a misdemeanor |
| 16‑3‑2080(F) | Disclosing information about a trafficking victim or certain shelters or unlawfully entering the grounds of certain shelters |
| 16‑5‑40 | Duty of officers to execute warrants |
| 16‑5‑50 | Penalty for hindering officers or rescuing prisoners |
| 16‑7‑160(1) | Illegal use of stink bombs or other devices containing foul or offensive odors |
| 16‑7‑170 | Entering public buildings for purpose of destroying records or other property |
| 16‑11‑30 | Possession of master keys and nonowner key sets while engaged in crime |
| 16‑11‑140 | Burning of crops and other kinds of personal property |
| 16‑11‑523 | Obtaining nonferrous metals unlawfully resulting in disruption of communication or electrical service to critical infrastructure |
| 16‑11‑560 | Burning, cutting untenanted or unfinished buildings |
| 16‑11‑570 | Injury or destruction of building or crops by tenant |
| 16‑11‑770(B)(3) | Committing illegal graffiti vandalism, third or subsequent offense |
| 16‑11‑780 | Entering certain lands to discover, uncover, move, remove, or attempt to remove an archaeological resource‑ second offense |
| 16‑11‑920(A)(3) | Operation of an audiovisual recording device in a motion picture theatre with intent to record, third offense |
| 16‑13‑10 | Forgery that does not involve a dollar amount |
| 16‑13‑131(C)(1) | Larceny against a merchant by offering a fraudulent product code on merchandise ‑ first offense |
| 16‑13‑135(E)(1) | Retail theft ‑ first offense |
| 16‑13‑150 | Purse snatching (not grand larceny or robbery) |
| 16‑13‑180(B)(2) | Receiving stolen goods (value over $2,000 up to $10,000) |
| 16‑13‑380 | Theft of electric current (second or subsequent offense) |
| 16‑13‑385(B)(2) | Tampering with a utility meter ‑ second offense |
| 16‑13‑385(C)(2) | Tampering with a utility meter for profit ‑ second offense |
| 16‑13‑385(D)(2) | Tampering with a utility meter that results in property damage in excess of $5,000 or results in the risk of great bodily injury or death ‑ second offense |
| 16‑13‑470(B)(1) | Defrauding a drug or alcohol screening test (first offense) |
| 16‑15‑130 | Indecent exposure |
| 16‑15‑250 | Communicating obscene messages (nontelephonic) |
| 16‑17‑470(A) | Eavesdropping or peeping |
| 16‑17‑470(B)(1) | Voyeurism (first offense) |
| 16‑17‑490 | Contributing to the delinquency of a minor |
| 16‑17‑495(C) | Returning a child under sixteen years of age within three days of a violation of a custody order or statute |
| 16‑17‑505(3) | Knowingly selling cigarettes in packages that violate federal law |
| 16‑17‑650(A)(2) | Engaging in cock fighting, game fowl or illegal game fowl testing, Second Offense |
| 16‑17‑680 | Presenting a falsified bill of sale for a coil to a secondary metals recycler |
| 16‑17‑680(D) | Purchase from certain persons of nonferrous metals for the purpose of recycling the nonferrous metals, third or subsequent offense |
| 16‑17‑680(D)(3) | Unlawful purchase of nonferrous metals |
| 16‑17‑680(E) | Unlawful sale of nonferrous metals in any amount to a secondary metals recycler, second offense |
| 16‑17‑680(F) | Secondary metals recycler possessing stolen nonferrous metal, third or subsequent offense |
| 16‑17‑680(G) | Transportation of nonferrous metals of an aggregate weight of more than ten pounds, third or subsequent offense |
| 16‑17‑735(D) | Persons falsely asserting authority of law |
| 16‑17‑770(A)(2) | Impersonating a lawyer—Second offense |
| 16‑21‑60(A) | Use of vehicle without permission (intent to deprive) |
| 16‑23‑470 | Illegal possession of teargas gun or ammunition for teargas gun |
| 16‑23‑530 | Knowingly selling or providing a gun to an illegal alien |
| 16‑25‑30(B) | Ship, transport, receive, or possess a firearm or ammunition, if the person has been convicted of a violation of Section 16‑25‑20(C) or (D), related to domestic violence |
| 16‑25‑125(E) | Unlawful entry upon the grounds of a domestic violence shelter |
| 17‑7‑510 | Burying body without notice or inquiry |
| 22‑9‑140 | Penalty for failing to execute process of magistrate’s court |
| 23‑1‑20 | Peace officers may not be employed on contingent basis |
| 23‑3‑535(D)(2) | Sex offender’s failure to vacate a residence that is within one thousand feet of a school, daycare center, children’s recreational facility, park, or public playground—Second offense |
| 24‑13‑425(B) | Unlawful removal, destruction, or circumventing of the operation of an electronic monitoring device |
| 25‑7‑20 | Obtaining or giving information respecting national or state defense |
| 29‑1‑30 | Wilful sale of property on which lien exists |
| 35‑1‑508(a)(3) | Violation of Title 35, Chapter 1 when an investor loses less than one thousand dollars, or if no losses are proven |
| 35‑11‑725(C) | Knowingly engaging in an activity for which a license is required by the South Carolina Anti‑Money Laundering Act and receiving not more than $500 compensation within a 30‑ day period from this activity |
| 37‑13‑50 | Regulation of subleasing and loan assumption of a motor vehicle |
| 38‑7‑140 | Failure to pay money due or to supply information required |
| 38‑13‑140 | Refusal to exhibit records, false statements (Insurance) |
| 38‑25‑330 | Violations of Chapter 25, Unauthorized Transaction of Insurance Business |
| 38‑38‑720(2) | Making a false statement or representation regarding a fraternal benefit society if the amount of the economic benefit received is $1,000 or more (first offense) |
| 38‑43‑190 | Fraud regarding payment of insurance premium |
| 38‑55‑80 | Loans to directors or officers (Insurance) |
| 38‑55‑150 | Accepting premiums or assessments in insolvent company (Insurance) |
| 38‑55‑160 | Insuring uninsurable persons with intent to defraud |
| 38‑55‑173(B)(1) | Vehicle glass repairer offering or making certain payments of $1,000 or more |
| 38‑55‑540(A)(2) | Knowingly making false statement or misrepresentation resulting in economic advantage of between one and ten thousand dollars, first offense |
| 38‑59‑50 | Payment or settlement of benefits in merchandise or service prohibited (Insurance) |
| 39‑15‑750 | Destruction of brand or removal or transfer of timber |
| 39‑15‑1190(B)(1)(a)(ii) | Transferring, distributing, selling, or otherwise disposing of an item having a counterfeit mark on it, with goods or services having a value of more than $2000 but less than $10,000; using any object, tool, machine, or other device to produce or reproduce a counterfeit mark |
| 40‑5‑320 | Practice of law by corporations and voluntary associations unlawful |
| 40‑5‑350 | Soliciting legal business unlawful |
| 40‑5‑360 | Splitting fees with laymen unlawful |
| 40‑54‑80 | Violations of chapter concerning dealers in precious metals—Third or subsequent offenses |
| 43‑5‑40 | Unlawful publication or other use of records |
| 43‑7‑60 | False claim, statement, or representation by a medical provider |
| 43‑7‑70 | False statement of representation on an application for public assistance |
| 43‑7‑80(B) | Provider required to keep separate accounts and records |
| 43‑33‑40 | Unlawful interference with rights of blind or other physically disabled person |
| 43‑35‑85(G) | Threatening, intimidating, or attempting to intimidate a vulnerable adult subject to an investigation |
| 43‑35‑85(H) | Obstructing an investigation pursuant to the Omnibus Adult Protection Act |
| 44‑31‑360 | Violation of article concerning tuberculosis prisoners and inmates of institutions |
| 44‑37‑30 | Offenses related to neonatal testing |
| 44‑41‑36(A) | Performing an abortion on an unemancipated minor |
| 44‑41‑350 | Performing an abortion without satisfying “A Woman’s Right to Know” provision, third or subsequent offense |
| 44‑41‑470 | Physician intentionally or knowingly performing an illegal abortion |
| 44‑53‑370(b)(3) | Prohibited Acts A, penalties (Schedule IV drugs except for flunitrazepam) |
|  | First offense |
| 44‑53‑370(d)(3) | Possession of cocaine, first offense |
| 44‑53‑375(A) | Possession of less than one gram of methamphetamine or cocaine base |
| 44‑53‑398(H)(3) | Purchasing a product containing ephedrine or pseudoephedrine from any person other than a manufacturer or registered wholesale distributor, Second Offense |
| 44‑79‑120 | Violation of chapter concerning Physical Fitness Services Act |
| 45‑9‑90 | Equal enjoyment and privileges to public accommodations |
| 46‑17‑460 | Violation of chapter concerning agricultural commodities marketing |
| 46‑19‑270 | Displaying sign showing Department of Agriculture approval prior to approval |
| 46‑25‑80 | Violations of chapter concerning fertilizer law |
| 46‑41‑30(1) | Unlawful to engage in business as dealer without license, penalties for violation (agricultural products)—First offense |
| 46‑55‑60 | Manufacturing, distributing, dispensing, delivering, purchasing, etc., of marijuana on property used for industrial hemp production |
| 47‑3‑630 | Torturing, mutilating, injuring, disabling, poisoning, or killing a police dog or horse. |
| 47‑3‑760(B)(1) | Penalty for owner of dangerous animal which attacks and injures a human—First offense |
| 47‑3‑960 | Injuring, disabling or killing guide dog |
| 47‑17‑100(A) | Violation of a Meat and Meat Food Regulations Inspection Law, with intent to defraud |
| 47‑19‑120(C)(1) | Interference with person performing official duties under chapter on poultry inspection |
| 47‑21‑80(A) | Penalty for violation of Farm Animal and Research Facilities Protection Act |
| 47‑21‑250(A) | Penalty for crop operation violations |
| 48‑27‑250 | Violation of chapter concerning registration of foresters |
| 48‑49‑60(a) | Violations of chapter concerning SC Mountain Ridge Protection Act |
| 50‑1‑85(4) | Negligent use of firearms or archery tackle when death results. |
| 50‑11‑100(B) | Construction of a fence which impedes the free range of deer |
| 50‑13‑1460 | Use of explosives to take fish |
| 50‑13‑1470 | Failure to report use of explosives to take fish |
| 50‑21‑112(B)(3) | Operating a water device while under the influence of alcohol (third offense) |
| 50‑21‑117(B)(3) | Operation of a water device while this privilege is suspended for operation under the influence of alcohol, third or subsequent offense |
| 54‑1‑40 | Criminal liability for unskillful or negligent management of steamboat |
| 55‑3‑130 | Discharging a laser at an aircraft, second offense |
| 56‑1‑460 | Driving while license canceled, suspended, or revoked—Third and subsequent offense |
| 56‑5‑750(B)(1) | Failure to stop for a law enforcement vehicle—First offense (no death or injury occurs) |
| 56‑5‑2930 | Unlawful for persons to drive under influence of liquor, drugs, or like substances (See Section 56‑5‑2940(3))—Third offense |
| 56‑5‑2933 | Driving with an unlawful alcohol concentration, third offense |
| 56‑5‑2941(K)(1)(b) | Unlawful operation of a vehicle equipped with an ignition interlock device, second offense |
| 57‑7‑20(C) | Putting a foreign substance on a highway with malice and personal injury results |
| 58‑7‑60(B)(2) | Unlawful appropriation of gas ‑ second offense |
| 58‑7‑60(C)(2) | Unlawful appropriation of gas that results in property damage in excess of $5,000 or the risk of great bodily injury or death ‑ second offense |
| 58‑7‑60(E)(2) | Aiding, abetting, or assisting another person in withdrawing and appropriating gas ‑ second offense |
| 58‑7‑70(B) | Cheating and defrauding, or altering a meter to withdraw or take gas ‑ second offense |
| 58‑7‑70(C)(2) | Wrongful use of gas and interference with gas meters for profit ‑ second offense |
| 58‑7‑70(D)(2) | Wrongful use of gas and interference with gas meters for profit when violation results in property damage greater than $5,000 or in risk of great bodily injury or death ‑ second offense |
| 58‑15‑875(D)(2) | Unlawful conduct relating to railroad track material for recycling, second offense |
| 58‑17‑4040 | Gross carelessness or negligence in the operation of a train |
| 58‑23‑920 | Insurance required of owners of motor vehicles transporting goods for hire |
|  | Second and subsequent offenses |
| 59‑25‑250(A) | Revocation or suspension of certificate, powers and duties of Court of Common Pleas, warrant for production of witnesses |
| 59‑41‑80 | Violation of chapter concerning grants to private school pupils |
| 59‑63‑450 | No child may be counted in enrollment more than once |
| 59‑102‑150 | Prohibited acts by athlete agents |
| 61‑4‑170 | Sale of a beverage containing alcohol which resembles a vegetable, or fruit or soft drink |
| 61‑6‑4180 | Possession of a firearm while unlawfully manufacturing, transporting, or selling alcoholic liquors |

(B) The following offenses are Class B misdemeanors and the maximum terms established for a Class B misdemeanor, not more than two years, as set forth in Section 16‑1‑20(A), apply:

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| 12‑21‑2540 | Use of altered or counterfeit tickets or reuse of tickets |
| 12‑21‑2714 | Use of slug or any false coin to operate automatic vending machine or other machine requiring coin for operation |
| 12‑21‑3070 | Improper use, alteration or reuse of stamps and for failure to pay tax, make any report on, or submit required information |
| 14‑7‑380 | Jury commissioners guilty of fraud |
| 16‑3‑410 | Sending or accepting challenge to fight (with a deadly weapon) |
| 16‑3‑420 | Carrying or delivering challenge, serving as second |
| 16‑5‑130(2), (3) | Instigating, aiding, or participating in riot |
| 16‑8‑240(A) | Committing or threatening acts of violence with the intent to coerce, induce, or solicit another person to participate in gang activity, first offense |
| 16‑9‑410(C)(2) | Aiding escapes from prison, for prisoners charged with noncapital offenses |
| 16‑9‑420 | Aiding escape from custody of officers |
| 16‑11‑580(C)(1) | Forest products violation (value more than $1,000 but less than $5,000) |
| 16‑11‑910 and  16‑11‑915 | Transfer of recorded sounds for unauthorized use or sale (See Section 16‑11‑920(C)) |
| 16‑11‑920(A)(2) | Operation of an audiovisual recording device in a motion picture theatre with intent to record, second offense |
| 16‑11‑930 | Illegal distribution of recordings without name and address of manufacturer and designation of featured artist (See Section 16‑11‑940(B)) |
| 16‑13‑65 | Selling aquaculture products or damaging facilities valued at greater than $100 (third or subsequent offense) |
| 16‑13‑437 | False statement or representation about income to a public housing agency |
| 16‑16‑20(3)(c) | Computer crime—second degree—Second or subsequent offense |
| 16‑16‑20(4) | Computer Crime Act—third degree—Second or subsequent offense |
| 16‑17‑10 | Barratry |
| 16‑17‑510 | Enticing enrolled child from attendance in public or private school |
| 16‑17‑560 | Assault or intimidation on account of political opinions or exercise of civil rights |
| 16‑17‑610 | Soliciting emigrants without licenses |
| 16‑23‑465 | Additional penalty for unlawfully carrying pistol or firearm onto premises of business selling alcoholic liquors, beers or wines for on‑premises consumption |
| 23‑17‑110 | Purchases by sheriff or deputy at sheriff’s sale |
| 23‑31‑370 | False statement to obtain special license |
| 23‑31‑400(C) | Use of a firearm while under the influence of alcohol or a controlled substance |
| 23‑35‑130 | Manufacture, storage, transportation, or possession of certain fireworks illegal |
| 23‑41‑60 | Violation of arson reporting immunity act |
| 25‑1‑150 | Unauthorized wearing of military insignia |
| 25‑1‑2180 | Assault upon military personnel |
| 25‑7‑60 | Conspiracy (treason or sabotage during war) |
| 25‑7‑80 | Concealing or harboring violator of chapter on treason; sabotage |
| 27‑29‑150 | Violating provisions of Uniform Land Sales Practice Act |
| 30‑15‑50 | Forgery of discharge (veterans) |
| 32‑1‑290 | Making or assisting in making contracts when actual delivery not contemplated, or operating bucket shop |
| 34‑11‑90(b) | Drawing and uttering fraudulent check $5,000 or less, first offense |
| 34‑39‑240 | Wilful violation of section, requiring license for engaging in business of deferred presentment service |
| 34‑41‑120 | Wilful violation of section, requiring license for engaging in business of either Level I or Level II check‑cashing service |
| 38‑2‑20 | Penalty for a person convicted of a misdemeanor contained in Title 38 |
| 38‑2‑30 | Acting without license required by Title 38 on insurance |
| 38‑21‑340 | Criminal prosecutions (Insurance Holding Company Regulatory Act) |
| 38‑43‑160 | Unlawfully representing an unlicensed insurer |
| 38‑43‑240 | Other offenses by insurance agent |
| 38‑45‑150 | Insurance Broker Chapter Violation |
| 38‑47‑60 | Adjuster acting for unauthorized company (See Section 38‑2‑20) |
| 38‑48‑130 | Unlawful practices for public insurance adjusters |
| 38‑51‑20 | Acting as an administrator of an insurance benefit plan without a license |
| 38‑55‑60 | Discrimination in the conduct of an insurance business |
| 38‑55‑340 | Connection of Undertakers with certain insurers article violation |
| 38‑63‑10 | Circulation of false or misleading information by an agent or officer of a life insurer |
| 38‑73‑80 | Withholding or giving false information to the Insurance Commissioner regarding surety rates |
| 38‑77‑1160 | Motor Vehicle Theft and Motor Vehicle Insurance Fraud Reporting—Immunity Act violation |
| 39‑23‑80(B)(1) | Prohibited acts (concerning adulterated, misbranded, or new drugs and devices)—First offense |
| 39‑25‑50(a) | Penalties, effect of guaranty from supplier or article, liability of advertising media—Second or subsequent offense |
| 39‑33‑1320 | Violation concerning butterfat content and weight of milk—Second and subsequent offenses |
| 40‑15‑212 | Unlawful practice or aiding or abetting in the unlawful practice of dentistry, dental hygiene, or dental technological work |
| 40‑29‑180 | Violation of chapter concerning manufactured housing |
| 40‑37‑200(A) | Practicing optometry unlawfully |
| 40‑43‑86(EE) | Possessing, dispensing, or distributing drugs, or devices without a prescription from a licensed practitioner |
| 40‑59‑200 | Violation of residential builders licensing provisions |
| 40‑81‑200 | Violations of Chapter 40, State Athletic Commission |
| 40‑81‑480 | Events involving combative sports or weapons violation |
| 44‑41‑80(b) | Performing or soliciting unlawful abortion, testimony of woman may be compelled |
| 44‑53‑40(B) | Obtaining certain drugs, devices, preparations, or compounds by fraud, deceit, or the like—First offense |
| 44‑53‑370(b)(4) | Prohibited Acts A, penalties (possession of Schedule V drugs)—Second and subsequent offenses |
| 44‑53‑370(d)(1) | Prohibited Acts A, penalties (possession of controlled substances in Schedules I (b), (c), II, and LSD)—First offense |
| 44‑53‑395 | Prohibited acts, penalties (prescription drugs)—First offense |
| 44‑53‑1680(A) | Knowingly failing to submit prescription monitoring information to the bureau of drug control |
| 44‑56‑130 | Unlawful acts (Hazardous Waste Management Act) (See Section 44‑56‑140)—Second or subsequent offense |
| 44‑55‑1360 | Worker, sewage and waste water disposal violation |
| 44‑93‑150(C) | Infectious Waste Management Act violation (second offense or subsequent offense) |
| 44‑96‑100(B) | Wilful violation of solid waste regulations, second or subsequent offenses |
| 44‑96‑450(B) | Wilful violation of Solid Waste Act Second or subsequent offenses |
| 46‑33‑60 | Penalty on out‑of‑state shippers |
| 47‑1‑40(A) | Cruelty to animals—Third or subsequent offense |
| 47‑1‑50 | Cruelty to animals in one’s possession |
| 48‑1‑90 | Causing or permitting pollution of environment prohibited (See Section 48‑1‑320) |
| 48‑1‑320 | Violation (Pollution Control Act) |
| 48‑1‑340 | False statement, representations or certifications, falsifying, tampering with or rendering inaccurate monitoring devices or methods |
| 48‑23‑265(C)(1) | Forest products violation first offense (value at least $5,000) |
| 48‑27‑230 | Endorsement of documents by registrants, illegal endorsements |
| 48‑43‑550(f) | Regulations as to removal of discharges of pollutants |
| 49‑1‑20 | Permitting logs and the like to obstruct or interfere with navigation of rivers or harbors |
| 50‑1‑85(3) | Use of a firearm or archery tackle while hunting or returning from hunting, in a criminally negligent manner when bodily injury results |
| 50‑11‑96 | Introducing a fertility control agent or chemical substance into any wildlife without a permit |
| 50‑11‑430 | Illegal taking of bears and bear parts |
| 50‑11‑2640(B) | Bringing into State or importing live coyote or fox without permit—Second offense |
| 50‑13‑1440 | Using explosives to take fish unlawful—Third offense |
| 51‑3‑150 | Trespass upon state park property |
| 56‑1‑2070 | Driving commercial motor vehicle in violation of an out‑of‑service order, first violation |
| 56‑5‑5030 | Devices to emit smoke screen, noisome gases, or odors prohibited |
| 56‑14‑30(D)(3) | Unlicensed recreational vehicle dealer—Third or subsequent offense |
| 56‑15‑310(B)(3) | Dealer wholesaler license violation (third or subsequent offense) |
| 56‑16‑140(B)(3) | Failure to secure a license as a motorcycle dealer or wholesaler |
| 58‑13‑10 | Opening or injuring package, parcel, or baggage by employee of carrier unlawful |
| 58‑15‑840 | Taking or removing brasses, bearings, waste, or packing from railroad cars |
| 58‑15‑860 | Injuring or destroying electric signals or other structures or mechanisms |
| 61‑6‑4010(B)(3) | Unlawful manufacture, possession or sale of alcoholic liquors—Third or subsequent offense |
| 61‑6‑4025(c) | Possession of unlawfully acquired or manufactured alcoholic liquors in a vehicle, vessel, or aircraft—Third or subsequent offense |
| 61‑6‑4030(c) | Transportation of alcoholic liquors in a taxi or other vehicle for hire—Third or subsequent offense |
| 61‑6‑4040(c) | Rendering aid in unlawful transportation of alcoholic liquors—Third or subsequent offense |
| 61‑6‑4060(B)(3) | Unlawful storage of alcoholic liquor in a place of business—Third or subsequent offense |
| 61‑6‑4100(c) | Manufacture, sale, or possession of unlawful distillery—Third or subsequent offense |
| 61‑6‑4110(c) | Knowingly permitting or allowing a person to locate an unlawful distillery on a premise—Third or subsequent offense |
| 61‑6‑4120(c) | Unlawful manufacture, transport, or possession of materials used in the manufacture of alcoholic liquors—Third or subsequent offense |
| 61‑6‑4130(c) | Present at a place where alcoholic liquors are unlawfully manufactured—Third or subsequent offense |
| 61‑6‑4150(c) | Unlawful sale of alcoholic liquor from a vehicle, vessel, or aircraft—Third or subsequent offense |
| 61‑6‑4155(B)(3) | Use, offer for use, purchase, offer for purchase, sell, offer to sell, or possession of an alcohol without liquid device—Third and subsequent offense |
| 61‑6‑4157(B)(1)(c) | Unlawful use, offer for use, purchase, sale, or possession of powdered alcohol, and the unlawful use of powered alcohol as an alcoholic beverage by a holder of a license for consumption of alcohol |
| 61‑6‑4160(c) | Unlawful sale of alcoholic liquors on Sundays, election days, and other day—Third or subsequent offense |
| 61‑6‑4170(B)(3) | Advertisement of alcoholic liquors from billboards—Third or subsequent offense |
| 63‑9‑2050 | Submitting false claim for benefits |

(C) The following offenses are Class C misdemeanors and the maximum terms established for a Class C misdemeanor, not more than one year, as set forth in Section 16‑1‑20(A), apply:

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| 1‑6‑100 | Unlawful disclosure of confidential information |
| 1‑7‑400 | Circuit solicitors disabled by intoxicants |
| 2‑15‑120 | Confidentiality of records (Legislative Audit Council) penalty for violations |
| 2‑17‑50 | Failure to file requirement statement with State Ethics Commission, third or subsequent offense |
| 2‑17‑130 | Penalties for violations of lobbyist chapter |
| 2‑17‑140 | Penalties for filing groundless complaint |
| 5‑21‑500 | Diverting municipal funds allocated to bond payments for other purposes |
| 6‑1‑120(C) | Disclosure of taxpayer information |
| 7‑25‑20 | Fraudulent registration or voting |
| 7‑25‑100 | Allowing ballot to be seen, removing ballot from voting place, improper assistance |
| 7‑25‑200 | Unlawful to pay a candidate to file or withdraw from candidacy |
| 8‑1‑30 | Knowingly allowing false claims by witnesses or jurors of mileage traveled |
| 8‑1‑80 | Misconduct in office, habitual negligence, and the like |
| 8‑9‑10 | Delivery by officer of books and papers to successor (public officers/employees) |
| 8‑9‑30 | Delivery by officer of monies on hand to successor |
| 8‑13‑320(9)(c) | Penalty for wilful filing of groundless complaint with Ethics Commission |
| 8‑13‑320(10)(g) | Penalty for wilful release of confidential information relating to ethics investigation |
| 8‑13‑540(B)(2)(d) | Wilfully filing a groundless ethics complaint |
| 8‑13‑1510 | Failure to file reports, Ethics, Government Accountability, and Campaign Reform, third or subsequent offense |
| 8‑13‑1520 | Penalty for violation of ethics chapter |
| 9‑1‑40 | Penalties for making false statement or record (South Carolina Retirement System) |
| 9‑8‑220 | Penalty for false statements or falsification of records (Judges’ and Solicitors’ Retirement System) |
| 9‑9‑210 | False statements and falsification of records (General Assembly Retirement System) |
| 9‑11‑320 | False statements and falsification of records (Police Officers’ Retirement System) |
| 10‑9‑260 | Interfering with state, board or licensees, mining without license |
| 11‑15‑90 | Failure to make payment or remit funds for payment of obligations |
| 11‑15‑290 | Public officer failure to make investments in accordance with article |
| 11‑48‑30(C)(3) | Sale or possession of cigarettes of a manufacturer not included in the state directory |
| 11‑48‑100 | Knowingly violating tobacco regulations |
| 12‑21‑2710 | Unlawful possession or operation of gaming devices |
| 12‑21‑2830 | Record required of gross receipts, record subject to inspection, violations |
| 12‑24‑70(B) | Submitting false information on an affidavit accompanied by a deed |
| 12‑28‑2345 | Unlawful alteration of petroleum products shipping information |
| 12‑51‑96 | Conditions of redemption, taxation |
| 12‑54‑44(B)(3) | Wilful failure to pay estimated tax or keep required records |
| 12‑54‑44(B)(4) | Wilful furnishing of false statement required for tax purposes |
| 12‑54‑44(B)(5) | Wilfully providing employer with false information which decreases tax withheld |
| 12‑54‑44(B)(6)(c)(iii) | Wilful delivery to tax department of fraudulent document |
| 12‑54‑240 | Disclosure of records of and reports and returns filed with the Department of Revenue by employees and agents of the department and the State Auditor’s Office prohibited |
| 13‑7‑80 | Violation of provisions concerning nuclear energy |
| 14‑7‑1720 | Penalty for disclosing State Grand Jury information |
| 14‑17‑580 | Clerk is responsible for books, papers, and other property |
| 14‑23‑680 | Judge responsible for books, papers, and property of office |
| 16‑1‑55 | Accessory after the fact to a Class B Misdemeanor |
| 16‑3‑210 | Assault and battery by mob in the third degree |
| 16‑3‑530 | Penalties, hazing |
| 16‑3‑610 | Assault with concealed weapon |
| 16‑3‑1050(A) | Failure to report abuse, neglect, or exploitation of a vulnerable adult |
| 16‑3‑1340 | Victim compensation fund, soliciting employment to pursue claim or award |
| 16‑3‑1710(B) | Harassment in the second degree |
| 16‑3‑1720(D) | Harassment first degree with use of licensing or registration information |
| 16‑3‑2090(D) | Use of property or conveyance subject to forfeiture |
| 16‑7‑110 | Wearing masks and the like (See Section 16‑7‑140) |
| 16‑7‑120 | Placing burning or flaming cross in public place (See Section 16‑7‑140) |
| 16‑7‑150 | Slander and libel |
| 16‑9‑260 | Corruption of jurors, arbitrators, umpires, or referees |
| 16‑9‑270 | Acceptance of bribes by jurors, arbitrators, umpires, or referees |
| 16‑9‑320(A) | Opposing or resisting law enforcement officer serving process |
| 16‑9‑370(a) | Taking money or reward to compound or conceal offense |
| 16‑11‑150(a) | Burning lands of another without consent—First offense |
| 16‑11‑180 | Negligently allowing fire to spread to lands or property of another—Second or subsequent offense |
| 16‑11‑700(E) | Littering (exceeding 500 lbs. or 100 cu. ft. in volume) |
| 16‑11‑730 | Malicious injury to or interference with microwave, radio, or television facilities; unauthorized use of such facilities |
| 16‑11‑750 | Unlawful injury or interference with electric lines |
| 16‑11‑770(B)(2) | Committing illegal graffiti vandalism, second offense |
| 16‑11‑820 | Theft of cable television service unlawful use without payment (See Section 16‑11‑855)—Second and subsequent offense |
| 16‑11‑825 | Theft of cable television, unauthorized connection or use of device to cable television system (See Section 16‑11‑855)—Second and subsequent offenses |
| 16‑11‑830 | Theft of cable television service, aid, abet, or attempt (See Section 16‑11‑855)—Second and subsequent offenses |
| 16‑11‑835 | Advertisement or sale of instrument designed to avoid payment for cable services (See Section 16‑11‑855)—Second and subsequent offenses |
| 16‑11‑840 | Unauthorized device to decode or descramble cable television signal (See Section 16‑11‑855)—Second and subsequent offenses |
| 16‑11‑845 | Use, sale, or installation of a converter or similar device for unauthorized reception of cable signals (See Section 16‑11‑855)—Second and subsequent offenses |
| 16‑11‑855 | Violation of Article 8, Theft of Cable Television Service |
| 16‑11‑910 | Transfer of recorded sounds for unauthorized use or sale (See Section 16‑11‑920(E)) |
| 16‑11‑915 | Unauthorized sale of article containing live performances (See Section 16‑11‑920(E)) |
| 16‑11‑920(A)(1) | Operation of an audiovisual recording device in a motion picture theatre with intent to record, first offense |
| 16‑11‑930 | Illegal distribution of recordings without name and address of manufacturer and designation of feature artist (See Section 16‑11‑940(D)) |
| 16‑13‑15 | Falsifying or altering transcript or diploma, fraudulent use of falsified or altered transcript or diploma penalty |
| 16‑13‑65 | Stealing aquaculture products or damaging aquaculture facilities ‑ First and second offense |
| 16‑13‑165(B)(1)(a) | Knowingly and intentionally installing or reinstalling a counterfeit or nonfunctional airbag—1st offense |
| 16‑13‑300 | Fraudulent removal or secreting of personal property attached or levied on |
| 16‑13‑385(C)(1) | Tampering with a utility meter for profit ‑ first offense |
| 16‑13‑385(D)(1) | Tampering with a utility meter that results in property damage in excess of $5,000 or results in the risk of great bodily injury or death ‑ first offense |
| 16‑13‑400 | Avoiding or attempting to avoid payment of telecommunications |
| 16‑13‑410(1) | Making or possessing device, plans or instruction which can be used to violate Section 16‑3‑400 |
| 16‑14‑60 | Financial transaction card fraud |
| 16‑14‑60(a) | Financial transaction card fraud—value of things of value does not exceed five hundred dollars in any six‑month period |
| 16‑14‑60(a)(2)(d) | Financial transaction card fraud—using financial transaction card to exceed certain balances or authorized lines of credit |
| 16‑14‑60(b) | Financial transaction card fraud by a person authorized to furnish anything of value upon presentation of a financial transaction card if the value does not exceed five hundred dollars in a six‑month period |
| 16‑14‑60(c) | Financial transaction card fraud—filing of false application to an issuer of a financial transaction card |
| 16‑14‑60(d) | Financial transaction card fraud—filing of false notice or report of theft |
| 16‑14‑80 | Criminally receiving goods and services fraudulently obtained |
| 16‑15‑50 | Seduction under promise of marriage |
| 16‑15‑60 | Adultery or fornication |
| 16‑15‑90 | Prostitution (See Section 16‑15‑110(3))—Third or subsequent offenses |
| 16‑15‑100 | Prostitution; further acts (See Section 16‑15‑110(3))—Third or subsequent offenses |
| 16‑15‑315 | Condition on certain sales for resale or on franchising rights that obscene material be received for resale prohibited |
| 16‑15‑325 | Participation in preparation of obscene material prohibited |
| 16‑16‑20(3)(c) | Computer crime—second degree—First offense |
| 16‑17‑310 | Imitation of organizations’ names, emblems, and the like |
| 16‑17‑500(3) | Providing tobacco products to a minor |
| 16‑17‑520 | Disturbance of religious worship |
| 16‑17‑540 | Bribery with respect to agents, servants, or employees |
| 16‑17‑650(A)(1) | Engaging in cockfighting, game fowl or illegal game fowl fighting testing, First Offense |
| 16‑17‑680(D) | Purchase from certain persons of nonferrous metals for the purpose of recycling the nonferrous metals, second offense |
| 16‑17‑680(D)(2) | Unlawful purchase or transportation of nonferrous metals, second offense |
| 16‑17‑680(E) | Unlawful sale of nonferrous metals in any amount to a secondary metals recycler, first offense |
| 16‑17‑680(F) | Secondary metals recycler possessing stolen nonferrous metal, second offense |
| 16‑17‑680(G) | Transportation of nonferrous metals of an aggregate weight of more than ten pounds, second offense |
| 16‑17‑700 | Tattooing |
| 16‑17‑720 | Impersonating law enforcement officer |
| 16‑17‑735 | Impersonation of state or local official or employee or law enforcement officer or asserting authority of state law in connection with a sham legal process |
| 16‑17‑760 | Falsely representing oneself as being the recipient of certain military awards |
| 16‑17‑770(A)(1) | Impersonating a lawyer—First offense |
| 16‑19‑10 | Setting up lotteries |
| 16‑19‑40 | Unlawful games and betting |
| 16‑21‑60(B) | Use of vehicle without permission (Temporary purpose only) |
| 16‑21‑70 | Use of bicycle or other vehicle without permission, but without intent to steal |
| 16‑23‑20 | Unlawful carrying of pistol (See Section 16‑23‑50(A)(2)) |
| 16‑23‑450 | Placing loaded trap gun, spring gun, or like device |
| 16‑23‑730 | Manufacturing, possessing, transporting, distributing, using, aiding, counseling, or conspiring in the use of a hoax device or replica of a destructive device or detonator that causes a person to believe that the hoax device or replica is a destructive device or detonator |
| 16‑25‑20(C) | Domestic violence in the second degree |
| 16‑27‑40 | Penalty (Animal Fighting or Baiting Act)—Second offense |
| 17‑15‑90(2) | Wilful failure to appear before a court when released in connection with a charge for a misdemeanor |
| 17‑22‑170 | Unlawful retention or release of information regarding participation in intervention program |
| 17‑28‑350 | Willful and malicious destruction of physical evidence or biological material. Second and subsequent offense |
| 17‑29‑20 | Installation of pen register or tap and trace device |
| 17‑30‑50(B)(1) | Interception of wire, electronic or oral communications—First offense |
| 20‑3‑210 | Unlawful advertising for purpose of procuring divorce (See Section 20‑3‑220) |
| 22‑9‑170 | Oppression in office or other misconduct, punishment |
| 23‑3‑475(B)(2) | Providing false information when registering as a sex offender—Second offense |
| 23‑17‑40 | Liability of sheriff for official misconduct for remaining in contempt after attachment |
| 23‑19‑130 | Penalties for failure to pay over monies (by sheriff) |
| 23‑31‑215(M) | Carrying a concealed weapon into a prohibited environment |
| 23‑31‑225 | Carrying a concealable weapon into the dwelling place of another without permission |
| 23‑35‑150(3) | Violation concerning fireworks and explosives—Third and subsequent offenses |
| 23‑37‑50 | Violations concerning safety glazing materials |
| 23‑39‑40 | Prohibited acts (Hazardous Waste Management Act)—Second and subsequent offenses (See Section 23‑39‑50(a)) |
| 23‑50‑50(B) | Divulging privileged communication, protected information, or a protected identity |
| 24‑3‑410 | Sale of prison‑made products on open market generally prohibited |
| 24‑3‑420 | Violations of article governing prison industries other than Section 24‑3‑410 |
| 24‑5‑90 | Discrimination in treatment of prisoners unlawful |
| 24‑27‑300 | Frivolous complaints or appeals filed by a prisoner |
| 25‑1‑440(c)(1) | Fraudulent or wilful misstatement of fact in application for financial federal disaster assistance |
| 25‑1‑1420 | Unlawful purchase or receipt of military property |
| 25‑1‑3067 | Conduct that prejudices the good order and discipline in military forces or brings discredit upon military forces |
| 25‑15‑20 | Improper use of Confederate Crosses of Honor |
| 27‑18‑350(D) | Refusal to deliver property under Uniform Unclaimed Property Act |
| 30‑2‑50 | Use of personal information from a public body for commercial solicitation |
| 33‑56‑140 | Illegal charitable organization of professional solicitations |
| 33‑56‑145(A) | Defrauding a charity (first offense) |
| 33‑56‑145(B) | Giving false information with respect to registering a charity (first offense) |
| 33‑57‑170(A) | Person or organization that unlawfully conducts a nonprofit raffle ‑ first offense |
| 33‑57‑170(B) | Person or organization that violates a provision of Title 33, Chapter 57 with the intent to deceive or defraud an individual or nonprofit organization ‑ first offense |
| 33‑57‑170(C) | Person or organization that gives false or misleading information in a registration or report under Title 33, Chapter 57 |
| 34‑1‑120 | Penalties for obstructing commissioner of banking |
| 34‑3‑70 | False statements concerning solvency of bank |
| 34‑3‑90 | Penalties (violation of Sections 34‑1‑60, 34‑1‑70, 34‑3‑310, 34‑3‑320, 34‑5‑10 to 34‑5‑80 and 34‑5‑100 to 34‑5‑150 regarding banks and banking generally) |
| 34‑11‑30 | Receipt of deposits or trusts after knowledge of insolvency (banks and banking generally) |
| 34‑11‑60 | Drawing and uttering fraudulent check, draft, or other written order or stopping payment on check, draft, or order with intent to defraud (more than $200)—First offense |
| 34‑19‑110 | Use of words “safe deposit” or “safety deposit” |
| 34‑25‑90(b) | Wilfully entering false statements in bank records by an officer, director, agent, or employee of a bank holding company or a subsidiary of it |
| 34‑28‑390 | Penalties and remedies (violations concerning savings and loan acquisition and holding companies) |
| 34‑28‑740 | False statement affecting credit or standing of savings association |
| 34‑36‑70 | Violation of a provision that regulates loan brokers |
| 37‑5‑301(a),(b) | Wilful violations (Consumer Protection Code) |
| 37‑5‑302 | Disclosure violations (Consumer Protection Code) |
| 37‑5‑303 | Fraudulent use of cards (Consumer Protection Code) |
| 37‑11‑120 | Violation of a provision concerning the licensing and regulation of Continuing Care Retirement Communities |
| 38‑13‑200 | Penalty for refusing to be examined under oath (Insurance) |
| 38‑27‑80(d) | Cooperation of officers, owners, and employees (violation) (Insurance) |
| 38‑49‑40 | Violation of a provision that regulates Motor Vehicle Physical Damage Appraisers |
| 39‑9‑200 | Misuse of commercial weights and measures (See Section 39‑9‑208(A)) |
| 39‑11‑170 | Violation of a provision that regulates weighmasters (second or subsequent offense) |
| 39‑15‑460 | Unauthorized alteration, change, removal, or obliteration of registered mark or brand (labels and trademarks) |
| 39‑15‑470 | Purchase or receipt of containers marked or branded from other than registered owner |
| 39‑15‑480 | Unauthorized possession of marked or branded containers (trade and commerce) |
| 39‑15‑490 | Effect of refusal to deliver containers to lawful owner (trade and commerce) |
| 39‑15‑500 | Taking or sending containers out of State without consent of owner |
| 39‑15‑1190 | Intentional use of counterfeit mark or trafficking in goods carrying the mark |
| 39‑15‑1190(B)(1)(a)(i) | Transferring, distributing, selling, or otherwise disposing of an item having a counterfeit mark on it, with goods or services having a value of $2000 or less; using any object, tool, machine, or other device to produce or reproduce a counterfeit mark |
| 39‑17‑340 | Penalties (violation of article concerning grading of watermelons) |
| 39‑19‑60 | Penalty for disposal of stored cotton without consent of owner |
| 39‑22‑90(A)(5)‑(7) | Prohibited acts. State Warehouse System (See Section 39‑22‑90(B)) |
| 39‑41‑570 | Penalties (violation of article concerning deception in sale of liquid fuels, lubricating oils and greases) |
| 39‑75‑50 | Selling, offering for sale, or delivering for introduction into this State nonconforming regrooved tires |
| 40‑1‑200 | Penalty for unlawful practice of a profession or submitting false information to obtain a license to practice a profession |
| 40‑2‑200 | Certified Public Accountants and Public Accountants regulations violations |
| 40‑3‑200 | Engaging in practice of architecture in violation of chapter or knowingly submitting false information for purpose of obtaining license |
| 40‑6‑200 | Penalties (violation of chapter concerning auctioneers)—Second offense |
| 40‑7‑200 | Practicing barbering unlawfully or submitting false information to obtain barbering license |
| 40‑8‑110(K) | Failure to make required contribution to care and maintenance trust fund or a merchandise account fund |
| 40‑8‑190 | Submitting false information to procure cemetery operator’s license |
| 40‑10‑200 | Violation of First Protection Sprinkler Act |
| 40‑11‑200 | Illegal practice as licensed contractor |
| 40‑18‑150 | Penalties (violation of chapter concerning detective and private security agencies) |
| 40‑23‑200 | Practice as environmental systems operator in violation of Title 40, Chapter 23 |
| 40‑31‑20 | Penalties (violation of chapter concerning naturopathy) |
| 40‑33‑200 | Unauthorized practice of nursing |
| 40‑35‑200(C) | Administering a nursing home, residential care facility or habilitation center without a license |
| 40‑36‑200 | Knowingly submitting false information to obtain license to practice as occupational therapist or as occupational therapy assistant |
| 40‑38‑200 | Violation of chapter regulating Opticians |
| 40‑41‑60 | License required for erection of lightning rods |
| 40‑41‑220 | Encamping and trading in animals or commodities by nomadic individuals without license unlawful |
| 40‑43‑140 | Unlawful use of titles, declarations, and signs—unlawful dispensing, compounding, and sale of drugs (pharmacists) |
| 40‑47‑112 | Attending to a patient while under the influence of drugs or alcohol |
| 40‑47‑200 | Submitting false information for purpose of obtaining a license to practice medicine |
| 40‑51‑220 | Penalties (violation of chapter on podiatry) |
| 40‑54‑80 | Violations of chapter concerning dealers in precious metals Second offense |
| 40‑55‑170 | Unauthorized practice of psychology |
| 40‑56‑200 | State Board of Pyrotechnic Safety violations |
| 40‑63‑200 | Practice as social worker in violation of Title 40, Chapter 63 |
| 40‑68‑150(B) | Staff Leasing Services violation |
| 40‑79‑200(A) | Penalty (violation of South Carolina Regulation of Burglar Alarm System Businesses Act) |
| 40‑82‑200 | Failure to obtain a license to engage in liquified petroleum gas activities |
| 41‑1‑60 | Certain transactions between carriers or shippers and labor organizations prohibited, penalties |
| 41‑15‑320(e) | Penalties (wilfully violating safety or health rule or regulation)—Subsequent offense |
| 41‑25‑30 | Private personnel placement services applications and licensing (violations) (See Section 41‑25‑90) |
| 41‑25‑40 | Private personnel placement services; duties of licensees (See Section 41‑25‑90) |
| 41‑25‑50 | Prohibited activities or conduct of personnel agencies (See Section 41‑25‑90) |
| 41‑25‑60 | Advertisements in South Carolina of firms located outside its jurisdiction (See Section 41‑25‑90) |
| 41‑25‑70 | Prohibited activities or conduct of employers or person seeking employment (private personnel agencies) (See Section 41‑25‑90) |
| 41‑25‑80 | Confidentiality of record and files (private personnel agencies) (See Section 41‑25‑90) |
| 42‑9‑360 | Receiving fees, consideration, or gratuity for services not approved by the commission or the court |
| 42‑15‑90 | Receipt of fees, other consideration, or a gratuity not approved by the Worker’s Compensation Commission |
| 43‑5‑25 | Wilful use of payment for purpose not in best interest of child, protective payee |
| 43‑5‑950 | Violations of article concerning women, infants, and children supplemental food program |
| 43‑35‑85(A) | Failure to report abuse, neglect, or exploitation of a vulnerable adult |
| 44‑2‑140 | Underground Petroleum Response Bank Act violation |
| 44‑6‑180(B) | Medically Indigent Assistance Act confidentiality violation |
| 44‑6‑200 | Falsification of information regarding eligibility for Medically Indigent Assistance Program |
| 44‑17‑860 | Unlawful taking of person from mental health facility without permission |
| 44‑22‑100(C) | Unlawful to disclose records of mental health patient or former patient |
| 44‑22‑220(C) | Unlawful to wilfully deny a patient his rights afforded him under chapter |
| 44‑23‑240 | Unwarranted confinement of an individual |
| 44‑23‑1150(D) | Submitting inaccurate or untruthful information concerning sexual misconduct |
| 44‑24‑210 | Unlawful without prior authorization to take child from grounds of inpatient facility |
| 44‑26‑210 | Denial of rights to a client with intellectual disability |
| 44‑32‑120(F) | Unlawful body piercing |
| 44‑34‑100(F) | Tattooing violation |
| 44‑41‑31(C) | False representation on an affidavit for abortion |
| 44‑41‑460(D) | Falsifying a form required to report an abortion |
| 44‑43‑580 | Traffic in dead bodies |
| 44‑53‑50(E) | Sale of cleaning agents containing phosphates prohibited |
| 44‑53‑370(b)(4) | Prohibited Acts A, penalties (manufacture or possession of Schedule V drugs with intent to distribute)—First offense |
| 44‑53‑370(d)(2) | Prohibited Acts A, penalties (possession of other controlled substances in Schedules I through V)—Second and subsequent offense |
| 44‑53‑398(H)(3) | Purchasing a product containing ephedrine or pseudoephedrine from any person other than a manufacturer or registered wholesale distributor, First Offense |
| 44‑53‑445(D)(2) | Purchase of controlled substance within proximity of school |
| 44‑53‑590 | Penalty for use of property in manner which makes it subject to forfeiture (as provided in Sections 44‑53‑520 and 44‑53‑530) |
| 44‑53‑1530(2)(b) | Possession of anabolic steroids, ten or fewer doses (second or subsequent offense) |
| 44‑53‑1530(3)(a) | Possession of anabolic steroids, 11 to 99 doses (first offense) |
| 44‑55‑80 | Unlawful acts (violation of State Safe Water Drinking Act) (See Section 44‑55‑90(a)) |
| 44‑56‑130 | Unlawful acts (Hazardous Waste Management Act) (See Section 44‑56‑140C.)—First offense |
| 44‑56‑490(C) | Wilfully violating a provision of the Drycleaning Facility Restoration Trust Fund provisions |
| 44‑63‑161(C) | Willful violation of regulation or order relative to recording, reporting, or filing information with Bureau of Vital Statistics |
| 44‑93‑150(C) | Infectious Waste Management Act violation (first offense) |
| 44‑96‑100(B) | Wilful violation of solid waste regulations, first offense |
| 44‑96‑450(B) | Wilful violation of Solid Waste Act—First offense |
| 45‑9‑85 | Violation of confidentiality of Section 45‑9‑60 (Equal enjoyment and privileges to public accommodations, complaints, hearings, etc.) |
| 46‑1‑50 | Firing turpentine farms |
| 46‑1‑75 | Maliciously damaging farm product, research facility or equipment valued at less than $500 |
| 46‑10‑100 | Penalties (violation of article concerning boll weevil eradication) |
| 46‑23‑80 | Penalty (violation of South Carolina Noxious Weed Act) |
| 46‑41‑170(1) | Penalty (violation of chapter concerning dealers and handlers of agriculture products) Second or subsequent offense |
| 46‑50‑30, section 15 | Disclosure of confidential information relating to Southern Interstate Dairy Compact |
| 46‑50‑60 | Violation of Southern Interstate Dairy Compact |
| 47‑1‑40(A) | Cruelty to animals, second or subsequent offense |
| 47‑9‑10 | Marking, branding, or disfiguring large animals of another—Second or subsequent offense |
| 47‑9‑30 | Use of horse, mare, or mule without permission |
| 47‑9‑410 | Violations (article concerning livestock generally) |
| 47‑17‑60 | Prohibited acts (meat and meat food, Regulations and Inspection Law) (See Section 47‑17‑100(a)) |
| 47‑17‑70 | Slaughtering or processing except in compliance with article prohibited (meat and meat food, Regulations and Inspection Law) (See Section 47‑17‑100(a)) |
| 47‑17‑80 | Records (meat and meat food, Regulations and Inspection Law) (See Section 47‑17‑100(a)) |
| 47‑21‑80(B) | Penalty for violation of Farm Animal and Research Facilities Protection Act (violation of Section 47‑21‑60) |
| 47‑21‑250(B) | Unlawful entry into or remaining unlawfully in a crop operation |
| 48‑39‑170(A) | Penalties (violation of chapter concerning coastal tidelands and wetlands)—Second or subsequent offense |
| 50‑1‑125(2), (3),  and (4) | Trafficking in wildlife |
| 50‑1‑136 | Penalties for conspiracy (violation of provisions of Title 50 relating to fish, game, and watercraft) |
| 50‑5‑1535 | Unlawful taking, possessing, buying, selling, or shipping of short nose sturgeon |
| 50‑5‑2305(D) | Unlawful catching of wild rock (second or subsequent offense) |
| 50‑5‑2535 | Engaging in prohibited activities while under suspension, Marine Resources Act |
| 50‑9‑1200 | Hunting or fishing while under suspension |
| 50‑11‑95 | Engaging in Computer Assisted Remote Hunting, First Offense |
| 50‑11‑705 | Night hunting for deer, bear, or turkey—First offense |
| 50‑11‑852 | Molesting or killing a bald eagle |
| 50‑11‑1920 | Violation of food service permit to sell exotic farm‑raised venison |
| 50‑11‑2640(B) | Bringing into State or importing live coyote or fox without permit—First offense |
| 50‑13‑1410 | Unlawful to pollute waters so as to injure fish and shellfish |
| 50‑13‑1440 | Using explosives to take fish unlawful—Second offense |
| 50‑15‑80(b) | Penalties, violation of Sections 50‑15‑30(c) or 50‑15‑40(d) |
| 50‑18‑270(C) | Placing or releasing species imported from another state into waters of State—Second offense |
| 50‑18‑285(C) | Damaging or poisoning aquaculture products or facilities—Second offense |
| 50‑21‑112(B)(2) | Operating a water device while under the influence of alcohol or drugs (second offense) |
| 50‑21‑130(A)(1) | Failure of an operator of a vessel involved in a collision resulting in property damage to stop and render assistance |
| 52‑5‑10 | Race horses must not be entered under assumed names or out of proper class |
| 52‑5‑40 | Misrepresenting or concealing former performance of race horse |
| 54‑7‑810(B)(1) | Violation of Underwater Antiquities Act |
| 55‑1‑100(F) | Unlawful to operate or act as a flight crew member of aircraft while under the influence of alcohol or drugs |
| 55‑3‑130 | Discharging a laser at an aircraft |
| 55‑3‑130 | Shining light at aircraft with intent to interfere with the operation of the aircraft |
| 56‑1‑25 | Disclosure of Department of Motor Vehicles confidential information |
| 56‑3‑150 | Illegal operation of foreign vehicle |
| 56‑5‑1210(A)(1) | Failure to stop a vehicle involved in an accident when injury results but great bodily injury or death does not occur |
| 56‑5‑1220 | Failure to comply with the duties of a driver involved in an accident |
| 56‑5‑2780 | Unlawfully passing a stopped school bus, great bodily injury results |
| 56‑5‑2930 | Unlawful for narcotic users or persons under influence of liquor, drugs or like substances to drive (See Section 56‑5‑2940(2))—Second offense |
| 56‑5‑2933 | Driving with an unlawful alcohol concentration, second offense |
| 56‑5‑2941(K)(1)(a) | Unlawful operation of a vehicle equipped with an ignition interlock device, first offense |
| 56‑5‑4975(A) | Operation of unlicensed ambulance without removing exterior markings, sirens, etc. |
| 56‑11‑250 | Failure of a motor carrier to apply for a registration card and identification marker |
| 56‑17‑10 | Failure to purchase a license, keep records, supply information when required by law |
| 56‑19‑240 | Application for certificate, form, and contents (vehicle title) |
| 56‑19‑480 | Transfer and surrender of certificates, license plates, registration cards, and manufacturers serial plates of vehicles sold as salvage, abandoned, scrapped, or destroyed—Second and subsequent offenses |
| 56‑31‑50(C) | Rental company making a false report regarding certain personal property taxes |
| 56‑31‑50(D) | Misrepresentation of the amount of personal property taxes on a private passenger motor vehicle or rental vehicle paid or the amount of surcharges collected |
| 57‑25‑145(C) | Placing an outdoor sign advertising an adult or sexually‑oriented business within one mile of a public highway |
| 58‑3‑280 | Restriction on employment of former commissioners by public utility |
| 58‑4‑130 | Restriction on outside employment of executive director |
| 58‑7‑60(C)(1) | Unlawful appropriation of gas that results in property damage in excess of $5,000 or the risk of great bodily injury or death ‑ first offense |
| 58‑7‑60(E)(1) | Aiding, abetting, or assisting another person in withdrawing and appropriating gas ‑ first offense |
| 58‑7‑70 | Wrongful use of gas and interference with gas meters ‑ first offense |
| 58‑7‑70(C)(1) | Wrongful use of gas and interference with gas meters for profit ‑ first offense |
| 58‑7‑70(D)(1) | Wrongful use of gas and interference with gas meters for profit when violation results in property damage greater than $5,000 or in risk of great bodily injury or death ‑ first offense |
| 58‑15‑875(D)(1) | Unlawful conduct relating to railroad track material for recycling, first offense |
| 58‑15‑1110 | Violation by Railroads of Interstate Commerce Act |
| 58‑17‑2760 | Criminal penalty on individuals for violation of transportation of freight |
| 58‑17‑4030 | Injury due to negligence or carelessness of general railroad law |
| 58‑17‑4050 | Injury due to wilful violation of general railroad law |
| 58‑23‑920 | Insurance required of owners of motor vehicles transporting goods for hire—First offense |
| 59‑5‑130 | Members shall not contract with State Board of Education |
| 59‑69‑260 | Officials shall not acquire interest in claims or contracts (school funds) |
| 61‑2‑240 | Interference with an officer or use of abusive language by an officer or another person |
| 61‑4‑1530 | Operation of brewery or winery without permit |
| 61‑6‑4010(B)(2) | Unlawful manufacture, possession or sale of alcoholic liquors—Second offense |
| 61‑6‑4025(b) | Possession of unlawfully acquired or manufactured alcoholic liquors in a vehicle, vessel, or aircraft—Second offense |
| 61‑6‑4030(b) | Transportation of alcoholic liquors in a taxi or other vehicle for hire—Second offense |
| 61‑6‑4040(b) | Rendering aid in unlawful transportation of alcoholic liquor—Second offense |
| 61‑6‑4060(B)(2) | Unlawful storage of alcoholic liquor in a place of business—Second offense |
| 61‑6‑4100(b) | Manufacture, sale, or possession of unlawful distillery—Second offense |
| 61‑6‑4110(b) | Knowingly permitting or allowing a person to locate an unlawful distillery on a premise—Second offense |
| 61‑6‑4120(b) | Unlawful manufacture, transport, or possession of materials used in the manufacture of alcoholic liquors—Second offense |
| 61‑6‑4130(b) | Present at a place where alcoholic liquors are unlawfully manufactured—Second offense |
| 61‑6‑4150(b) | Unlawful sale of alcoholic liquor from a vehicle, vessel, or aircraft—Second offense |
| 61‑6‑4160(b) | Unlawful sale of alcoholic liquors on Sundays, election days, and other days—Second offense |
| 61‑6‑4170(B)(2) | Advertisement of alcoholic liquors from billboard—Second offense |
| 61‑6‑4200 | Unlawful disposal, rescue, or attempted disposal or rescue of alcoholic liquors |
| 61‑8‑50 | Violation of a restraining order against unlawful sale, barter, exchange, storage, or possession of alcoholic liquors |
| 62‑2‑901 | Destruction of or failure to deliver a will to a Judge of Probate |
| 63‑3‑620 | Contempt of court |
| 63‑5‑20 | Failure to provide reasonable support to a spouse or minor child |
| 63‑7‑940 | Dissemination of classified information |
| 63‑7‑1990(A) | Dissemination of confidential reports |
| 63‑11‑90 | Violations of Article 1, Child Welfare Agencies |
| 63‑11‑1350 | Disclosure of confidential records |
| 63‑13‑40(B) | Unlawful application for employment by an ex‑convict |
| 63‑13‑185(F) | Unlawful administration of medicine to a child by childcare facility personnel |
| 63‑13‑190(C) | Unlawful application for employment by ex‑convict |
| 63‑13‑420(F) | Application for operator license for childcare facilities when persons convicted of certain crimes |
| 63‑13‑430(E) | Renewal application for operator license for childcare facilities when persons convicted of certain crimes |
| 63‑13‑620(E), (F) | Application for statement of standard conformity or approval for childcare facilities when persons convicted of certain crimes |
| 63‑13‑630(E), (G) | Renewal application for statement of standard conformity or approval for childcare facilities when persons convicted of certain crimes |
| 63‑13‑820(E), (F) | Application for registration for childcare facilities when persons convicted of certain crimes |
| 63‑13‑830(C), (D) | Renewal application for registration for childcare facilities when persons convicted of certain crimes |
| 63‑13‑1010(D) | Application for license or registration of church and religious centers for childcare facilities when persons convicted of certain crimes |
| 63‑17‑1070 | Unlawful release of information |

HISTORY: 1993 Act No. 184, Section 9; 1993 Act No. 164, Part II, Section 19B; 1997 Act No. 80, Section 8.

Code Commissioner’s Note

The crime classification tables are added by the Code Commissioner pursuant to Section 2‑13‑66, and updated annually.

Library References

Criminal Law 27.

Sentencing and Punishment 66.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 12, 14 to 16.

NOTES OF DECISIONS

In general 1

1. In general

Code Commissioner has no discretion in classifying an offense as misdemeanor or Class A, B, or C felony; classification of offenses is merely a ministerial duty. Kurtz v. State (S.C. 2006) 369 S.C. 15, 630 S.E.2d 472. Criminal Law 13(2)

Criminal statutes are strictly construed against the State. State v. Lawrence (S.C.App. 2002) 349 S.C. 129, 561 S.E.2d 633. Criminal Law 12.7(2)

**SECTION 16‑1‑110.** Classification of felonies or misdemeanors not listed in Sections 16‑1‑90 or 16‑1‑100.

A felony or misdemeanor provided by statute or in common law which is not assigned a classification pursuant to Section 16‑1‑90 or 16‑1‑100 must be punished as provided before enactment of the classification system.

HISTORY: 1993 Act No. 184, Section 9.

CROSS REFERENCES

Code commissioner authorized to add all crimes and offenses enacted by the General Assembly to its appropriate category, see Section 2‑13‑66.

Library References

Criminal Law 27.

Sentencing and Punishment 66.

Westlaw Topic Nos. 110, 350H.

C.J.S. Criminal Law Sections 12, 14 to 16.

**SECTION 16‑1‑120.** Increased sentences for repeat offenders.

(1) When an individual, who was convicted of a Class A, B, or C felony offense or an exempt offense which provides for a maximum term of imprisonment of twenty years or more and sentenced to a period of time, has been released from prison, whether on parole or by completion of the sentence, is convicted of another felony offense, the individual shall have added to the sentence imposed for the subsequent conviction such additional time as provided below:

(A) if the subsequent offense was committed within forty‑five days of his release, five years shall be added to the sentence mandated by the subsequent conviction.

(B) if the subsequent offense was committed within ninety days of his release, four years shall be added to the sentence mandated by the subsequent conviction.

(C) if the subsequent offense was committed within one hundred eighty days of his release, three years shall be added to the sentence mandated by the subsequent conviction.

(D) if the subsequent offense was committed within two hundred seventy days of his release, two years shall be added to the sentence mandated by the subsequent conviction.

(E) if the subsequent offense was committed within three hundred sixty days of his release, one year shall be added to the sentence mandated by the subsequent conviction.

(2) When subsection (1) requires an individual to have additional time added to the sentence mandated by a subsequent conviction, if the maximum sentence mandated for the subsequent conviction is less than the additional time mandated by subsection (1), the additional time which must be added to the sentence mandated by the subsequent conviction shall be equal to the maximum sentence provided for the conviction.

(3) No portion of the additional term provided for herein may be suspended and no such additional term may be reduced by any early release program, work credit, or similar program but must be served in full.

HISTORY: 1995 Act No. 7, Part I Section 35.

Library References

Sentencing and Punishment 99, 1285 to 1298.

Westlaw Topic No. 350H.

C.J.S. Criminal Law Sections 2302 to 2306, 2312 to 2316, 2322.

**SECTION 16‑1‑130.** Persons not eligible for diversion program.

(A) A person may not be considered for a diversion program, including, but not limited to, a drug court program or a mental health court, if the:

(1) person’s current charge is for a violent offense as defined in Section 16‑1‑60 or a stalking offense pursuant to Article 17, Chapter 3, Title 16;

(2) person has a prior conviction for a violent crime, as defined in Section 16‑1‑60, or a harassment or stalking offense pursuant to Article 17, Chapter 3, Title 16;

(3) person is subject to a restraining order pursuant to the provisions of Article 17, Chapter 3, Title 16 or a valid order of protection pursuant to the provisions of Chapter 4, Title 20;

(4) person is currently on parole or probation for a violent crime as defined in Section 16‑1‑60; or

(5) consent of the victim has not been obtained unless reasonable attempts have been made to contact the victim and the victim is either nonresponsive or cannot be located after a reasonable search.

(B) The provisions of this section do not apply to a diversion program administered by the South Carolina Prosecution Coordination Commission or by a circuit solicitor.

HISTORY: 2005 Act No. 106, Section 2, eff January 1, 2006; 2010 Act No. 273, Section 59, eff January 1, 2011.

Editor’s Note

2005 Act No. 106, Section 1, provides as follows:

“This act may be cited as ‘Mary Lynn’s Law’.”

2010 Act No. 273, Section 66, provides in part:

“The provisions of Part II take effect on January 1, 2011, for offenses occurring on or after that date.”