

Session 110 - (1993-1994)

H*3151 (Rat #0275, Act #0184 of 1993) General Bill, By Wilkins, H.H. Clyborne, J.H. Hodges and Jennings

A Bill to amend Section 16-1-10, as amended, Code of Laws of South Carolina, 1976, relating to felonies, so as to provide a classification system for all felony and misdemeanor crimes and offenses and exceptions; to amend Section 16-1-20, relating to classification of other crimes, so as to provide the maximum term of imprisonment, to exempt offenses which refer to a mandatory minimum term of imprisonment, and to provide exceptions; to amend Section 16-1-30, relating to classification of new offenses, so as to require all new offenses to be classified pursuant to Sections 16-1-10 and 16-1-20; to amend Sections 16-1-40 and 16-1-50, relating to accessories before the fact and indictment and conviction of accessories, so as to make grammatical changes; to amend 1976 Code by adding Section 16-1-55 so as to classify the offense of accessory after the fact; by adding Section 16-1-57 so as to provide for classification for a third or subsequent conviction for certain property offenses; to amend Section 16-1-60, relating to the list of violent crimes, so as to add criminal sexual conduct with minors and assault with intent to commit criminal sexual conduct; to amend the 1976 Code by adding Section 16-1-80 so as to classify an attempt; to amend the 1976 Code by adding Sections 16-1-90 and 16-1-100 so as to provide a list of each crime and offense and its classification; to amend the 1976 Code by adding Section 16-1-110 so as to provide for crimes or offenses inadvertently omitted from classification; to amend the 1976 Code by adding Section 16-11-325 so as to provide that common law robbery is a felony and to set the maximum term of imprisonment; to amend Sections 7-25-50, 7-25-60, 7-25-80, 7-25-190, 8-1-20, 12-7-2750, 12-9-840, 12-21-2716, 12-27-50, 12-29-610, 12-31-670, 12-45-110, 16-5-10, 16-7-160, as amended, 16-9-320, as amended, 16-9-340, 16-11-20, 16-11-170, 16-11-617, 16-11-740, as amended, 16-13-160, 16-13-170, 16-13-290, 16-15-140, 16-15-385, as amended, 16-17-410, 16-17-430, 16-17-600, as amended, 16-21-10, 16-21-40, 16-21-130, 16-21-140, 16-23-220, as amended, 16-23-230, as amended, 16-23-240, as amended, 16-23-260, as amended, 16-23-410, 16-23-420, 16-23-430, as amended, 16-23-440, as amended, 16-23-480, 16-23-490, 16-23-520, 17-13-50, 17-15-90, 20-7-50, 20-7-60, 20-7-80, 23-31-340, as amended, 23-31-360, as amended, 24-1-270, 24-13-410, 24-13-420, 27-32-120, 34-13-90, 38-9-150, 38-13-170, 39-22-90, 39-23-80, 43-29-41, 43-30-100, as amended, 44-23-1150, 44-52-165, 44-53-40, 44-53-375, as amended, 44-53-390, 44-53-445, as amended, 44-55-1510, 46-41-30, 47-19-120, 55-1-30, 56-1-1100, 56-5-1030, 57-1-60, 58-13-740, 58-15-820, and 58-17-4100, relating to various crimes and offenses, so as to change portions from misdemeanors to felonies and the maximum term of imprisonment to conform to the classification system established in Sections 16-1-10 and 16-1-20; to amend Sections 12-54-40, as amended, 16-3-410, 16-9-10, 16-9-20, 16-11-140, 16-11-700, as amended, 16-11-920, as amended, 16-11-940, as amended, 16-14-40, 16-14-60, as amended, 16-14-70, 16-17-470, 20-7-2660, as amended, 47-3-760, as amended, 47-21-80, and 48-43-550, relating to various crimes and offenses, so as to change portions from felonies to misdemeanors, to conform to the classification system established in Sections 16-1-10 and 16-1-20 and to provide for penalties; to amend Sections 16-11-510, as amended, 16-11-520, as amended, 16-13-10, 16-13-30, as amended, 16-13-40, 16-13-50, as amended, 16-13-70, 16-13-110, as amended, 16-13-180, as amended, 16-13-210, 16-13-230, as amended, 16-13-240, as amended, 16-13-260, as amended, 16-13-420, as amended, 16-13-425, as amended, 16-13-430, 16-21-80, 38-55-170, as amended, 46-1-20, 46-1-40, 46-1-60, 46-1-70, and 49-1-50, as amended, relating to various crimes and offenses involving property, so as to create a three tier classification based upon the value of the property involved that specifies whether the offense is a misdemeanor or felony and maximum term of imprisonment; to amend Sections 2-17-140, 4-11-130, 4-17-70, 5-21-30, 5-21-40, 6-7-800, 6-7-1080, 6-7-1110, 7-25-10, 7-25-20, 7-25-60, 7-25-70, 7-25-100, 7-25-110, 7-25-120, 7-25-160, 7-25-170, 8-1-30, 8-9-10, 8-11-30, 8-13-320, as amended, 8-13-540, as amended, 9-1-1160, 10-11-360, 11-1-20, 11-1-40, 11-9-20, 12-2-70, 12-21-2540, 12-21-2714, 12-21-3070, 12-54-40, as amended, 16-3-50, 16-3-60, 16-3-70, 16-3-75, 16-5-40, 16-5-130, 16-7-170, 16-9-30, 16-9-410, 16-11-30, 16-11-190, 16-11-330, 16-11-380, 16-11-390, 16-11-560, 16-11-570, 16-13-150, 16-13-385, 16-14-80, 16-14-100, 16-15-50, 16-15-130, 16-15-250, 16-15-405, 16-15-425, 16-16-20, 16-17-510, 16-17-560, 16-17-700, 16-21-60, 16-23-50, as amended, 16-23-465, 16-23-470, 17-7-510, 17-15-150, 22-5-120, 22-9-140, 23-1-20, 23-17-110, 23-31-190, 23-35-130, 24-3-910, 25-1-150, 25-7-20, 25-7-50, 25-15-20, 27-29-150, 30-15-50, 34-19-110, 37-13-50, 38-7-140, 38-13-140, 38-25-330, 38-37-930, 38-37-1650, 38-43-190, 38-43-240, 38-47-60, 38-55-80, 38-55-150, 38-55-160, 38-59-50, 39-15-170, 39-15-470, 39-17-340, 40-5-320, 40-5-350, 40-5-360, 40-6-170, 40-11-300, 40-41-220, 40-43-140, as amended, 40-43-320, 41-15-50, 43-5-40, 43-33-40, 44-31-360, 44-53-370, as amended, 46-17-460, 46-19-270, 46-25-80, 48-27-230, 48-27-250, 48-49-60, 50-1-136, 50-13-350, 50-13-1460, 50-13-1470, 50-21-710, 54-1-40, 56-5-750, 56-5-2945, 56-29-30, 58-13-10, 59-25-250, 59-63-450, and 61-13-810 relating to crimes and offenses, so as to change the maximum term of imprisonment to conform to the classification established for each offense; to amend Section 12-7-1680, as amended, relating to violation of secrecy of income information, so as to change the offense to a misdemeanor; to amend Section 16-3-615, relating to sexual battery, so as to change the term of imprisonment to ten years; to amend Section 16-3-1070, relating to stalking, so as to provide that the offense is a misdemeanor; to amend Section 22-3-550, as amended, relating to magistrate's jurisdiction over criminal offenses, so as to increase the jurisdiction and to allow restitution;

to amend Section 22-3-570, relating to magistrates' jurisdiction, so as to provide that petit larceny and all other offenses involving personal property in which the value is two hundred dollars or less is within the magistrate's jurisdiction; to amend Section 50-17-1190, relating to penalties for violations of the coastal fisheries laws, so as to provide that the offense is a misdemeanor; and to repeal Sections 16-1-15 relating to all degrees of burglary being a felony, 16-9-40 relating to additional permissible punishment for perjury, 16-13-20 relating to privily stealing from person or house as grand larceny, 16-13-90 relating to theft of bedding and other furnishings from lodging, 16-13-190 relating to stealing tires or tubes, 16-13-200 relating to receipt of stolen tires and tubes, 16-15-30 relating to abducting a maid under sixteen years of age, 16-15-40 relating to contracting matrimony with an abducted maid under the age of sixteen, 24-5-40 relating to separate lodging for debtors, 39-23-90 relating to penalties for violating Section 39-23-80, and 54-9-80 relating to to impressing seamen; to amend Chapter 25, Title 2, relating to the joint legislative committee to study the criminal laws of the State, so as to revise the membership, and by adding Sections 2-25-20 and 2-25-30 so as to expand the powers, duties, and scope of the committee; to provide an effective date for the joint legislative committee to study the criminal laws; to provide for the prospective and retrospective application of the provisions of this Act; and to authorize the Code Commissioner to place certain crimes on the list of classifications as necessary.-amended title

01/14/93	House	Introduced and read first time HJ-18
01/14/93	House	Referred to Committee on Judiciary HJ-22
01/19/93	House	Recalled from Committee on Judiciary HJ-37
01/20/93	House	Debate adjourned until Wednesday, January 27, 1993 HJ-25
01/27/93	House	Debate adjourned until Tuesday, February 2, 1993 HJ-10
02/02/93	House	Debate adjourned until Thursday, February 4, 1993 HJ-20
02/04/93	House	Debate adjourned until Wednesday, February 10, 1993 HJ-14
02/10/93	House	Amended HJ-18
02/10/93	House	Objection by Rep. Davenport, Whipper, White, J. Brown, Scott & Breeland HJ-19
02/11/93	House	Amended HJ-28
02/11/93	House	Read second time HJ-31
02/11/93	House	Roll call Yeas-101 HJ-31
02/11/93	House	Unanimous consent for third reading on next legislative day HJ-31
02/12/93	House	Read third time and sent to Senate HJ-4
02/16/93	Senate	Introduced and read first time SJ-5
02/16/93	Senate	Referred to Committee on Judiciary SJ-8
05/27/93	Senate	Committee report: Favorable with amendment Judiciary SJ-9
06/01/93	Senate	Read second time SJ-64
06/01/93	Senate	Ordered to third reading with notice of amendments SJ-64
06/02/93	Senate	Amended SJ-94
06/02/93	Senate	Read third time and returned to House with amendments SJ-94
06/03/93	House	Non-concurrence in Senate amendment HJ-68
06/03/93	Senate	Senate insists upon amendment and conference committee appointed Sens. Holland, Stilwell, Courtney SJ-54
06/03/93	House	Conference committee appointed Wilkins, Beatty & Harrell HJ-88
06/14/93	House	Conference report received and adopted HJ-25
06/14/93	Senate	Conference report received and adopted SJ-28
06/14/93	House	Ordered enrolled for ratification HJ-35
06/15/93		Ratified R 275
06/21/93		Signed By Governor
06/21/93		Effective date 01/01/94
06/21/93		See act for exception to or explanation of effective date
07/26/93		Act No. 184
07/26/93		Copies available