

## Session 109 - (1991-1992)

### **H 3400 (Rat #0581) General Bill, By Wilkins, P.M. Burch, J.D. Cole, Hayes, T.E. Huff, W.P. Keesley, D.E. Martin, L.M. Martin and E.L. Nettles**

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 the 1976 Code by adding Section 16-1-55 so as to classify the offense of accessory after the fact; 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, 7-25-80, 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, 16-23-440, 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, 16-11-70, 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, 47-21-80, 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, 16-11-520, 16-13-10, 16-13-30, 16-13-40, 16-13-50, 16-13-70, 16-13-110, 16-13-180, as amended, 16-13-210, 16-13-230, 16-13-240, 16-13-260, 16-13-420, 16-13-425, 16-13-430, 16-21-80, 38-55-170, as amended, 46-1-20, 46-1-40, 46-1-60, 46-1-70, 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, 16-3-910, as amended, 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, 16-15-130, 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 16-3-615, relating to sexual battery, so as to change the term of imprisonment to ten years; 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 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, 16-15-50 relating to seduction under promise of marriage, 16-15-60 relating to adultery or fornication, 16-15-70 relating to definition of adultery, 16-15-80 relating to definition of fornication, 16-15-120 relating to buggery, 16-17-10 relating to prohibition of barratry, 16-17-20 relating to person convicted of barratry barred from practice of law, 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 impressing seaman.-amended title

**01/31/91 House Introduced and read first time HJ-457**  
**01/31/91 House Referred to Committee on Judiciary HJ-460**  
**04/17/91 House Committee report: Favorable with amendment Judiciary HJ-11**  
**04/25/91 House Debate adjourned until Tuesday, April 30, 1991 HJ-6**  
**05/01/91 House Amended HJ-17**  
**05/01/91 House Read second time HJ-19**  
**05/02/91 House Read third time and sent to Senate HJ-16**  
**05/07/91 Senate Introduced and read first time SJ-22**  
**05/07/91 Senate Referred to Committee on Judiciary SJ-22**  
**05/07/92 Senate Polled out of committee Judiciary SJ-19**  
**05/07/92 Senate Favorable with amendments SJ-19**  
**05/12/92 Senate Read second time SJ-21**  
**05/12/92 Senate Ordered to third reading with notice of amendments SJ-21**  
**05/14/92 Senate Amended SJ-25**  
**05/14/92 Senate Read third time and returned to House with amendments SJ-182**  
**05/19/92 House Concurred in Senate amendment and enrolled HJ-27**  
**06/04/92 Ratified R 581**  
**01/13/93 Vetoed by Governor**  
**01/26/93 House Veto sustained Yeas-4 Nays-90**