**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3026**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kirsh, Brady and Wylie

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Introduced in the House on January 13, 2009

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

Summary: Criminal sexual conduct

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑26

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑26

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3026_20081209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑750 SO AS TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL SEXUAL CONDUCT OFFENSE DOES NOT HAVE CUSTODY RIGHTS OF OR RIGHTS OF INHERITANCE FROM A CHILD BORN AS RESULT OF THE OFFENSE; AND TO AMEND SECTION 16‑9‑340, RELATING TO INTIMIDATION OF COURT OFFICIALS, JURORS, OR WITNESSES, SO AS TO ADD THAT IT IS UNLAWFUL FOR A DEFENDANT IN A CRIMINAL PROCEEDING TO THREATEN A WITNESS WITH THE ASSERTION OR DENIAL OF PARENTAL RIGHTS.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑750. Notwithstanding another provision of law, upon conviction of a criminal sexual conduct offense as defined in Sections 16‑3‑652 through 16‑3‑655, a person does not have rights to custody of or rights of inheritance from a child born as result of the commission of the offense.”

SECTION 2. Section 16‑9‑340 of the 1976 Code is amended to read:

“Section 16‑9‑340. (A) It is unlawful for a person by threat or force to:

(1) intimidate or impede a judge, magistrate, juror, witness, or potential juror or witness, arbiter, commissioner, or member of any commission of this State or any other official of any court, in the discharge of his duty as such; or

(2) destroy, impede, or attempt to obstruct or impede the administration of justice in any court.

(B) It is unlawful for a defendant in a criminal proceeding to threaten a witness in the defendant’s case with the assertion or denial of parental rights.

(C) A person who violates the provisions of subsection (A) or (B) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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