**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4214**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith and Kirsh

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Introduced in the House on January 12, 2010

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

Summary: Intimidating a process server or licensed private investigator

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/17/2009 House Prefiled

11/17/2009 House Referred to Committee on **Judiciary**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑32

1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑32

**VERSIONS OF THIS BILL**

[11/17/2009](file:///p:\pprever\2009-10\4214_20091117.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1030 SO AS TO CREATE THE OFFENSE OF THREATENING OR INTIMIDATING A PROCESS SERVER OR LICENSED PRIVATE INVESTIGATOR, PROVIDE A PENALTY, AND DEFINE THE TERM “IMMEDIATE FAMILY”.

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

SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1030. (A) It is unlawful for a person to knowingly and wilfully deliver or convey to a process server or licensed private investigator any letter or paper, writing, print, missive, document, or electronic communication or verbal or electronic communication which contains a threat to take the life of or to inflict bodily harm upon the person or members of his immediate family if the threat is directly related to the person’s job responsibilities in the normal course and scope of the performance of the job.

(B) A person who violates the provisions of subsection (A) is guilty of the misdemeanor offense of threatening or intimidating a process server or licensed private investigator and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(C) For purposes of this section, ‘immediate family’ means the spouse, child, grandchild, mother, father, sister, or brother of the process server or licensed private investigator. ”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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