**A** **BILL**

TO AMEND CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING SECTION 16‑3‑637, TO CREATE THE OFFENSE OF ASSAULT WITH A TASER AND ASSAULT AND BATTERY WITH A TASER.

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

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

“Section 16‑3‑637. (A) A person is guilty of assault with a taser if the person causes another person to fear immediate harm by displaying or brandishing a taser in a threatening manner. In addition to the penalties for assault, a person convicted of assault with a taser shall be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(B) A person is guilty of assault and battery with a taser if the person causes another person to fear immediate harm by displaying or brandishing a taser in a threatening manner, and causes physical harm to the other person. In addition to the penalties for assault and battery, a person convicted of assault and battery with a taser shall be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than five years, or both.

(C) For purposes of this section, ‘taser’ means any mechanism that is:

(1) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and

(2) used for the purpose of temporarily incapacitating a person.”

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

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