**A** **BILL**

TO AMEND SECTION 16‑3‑625, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESISTING ARREST WITH THE USE OR THREAT OF USE OF A DEADLY WEAPON, SO AS TO PROVIDE THAT A PERSON WHO KNOWINGLY AND WILLFULLY COMMITS AN ASSAULT AND BATTERY ON A LAW ENFORCEMENT OFFICER DURING THE LAWFUL DISCHARGE OF THE OFFICER’S OFFICIAL DUTIES, OR WHEN THE OFFENSE IS DIRECTLY RELATED TO THE OFFICER’S OFFICIAL DUTIES, IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE PENALTIES FOR THIS OFFENSE.

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

SECTION 1. Section 16‑3‑625 of the 1976 Code is amended to read:

“Section 16‑3‑625. (A) A person who knowingly and willfully commits an assault and battery on a law enforcement officer during the lawful discharge of the officer’s official duties, or when the offense is directly related to the officer’s official duties, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not less than two months nor more than three years, or both. No person sentenced under this subsection for a second or subsequent offense shall have the sentence suspended to less than six months nor shall the person be eligible for parole until after service of six months.

(B) A person who resists the lawful efforts of a law enforcement officer to arrest him or another person with the use or threat of use of a deadly weapon against the officer, and the person is in possession or claims to be in possession of a deadly weapon, is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten nor less than two years. No sentence imposed hereunder for a first offense shall be suspended to less than six months nor shall the persons so sentenced be eligible for parole until after service of six months. No person sentenced under this ~~section~~ subsection for a second or subsequent offense shall have the sentence suspended to less than two years nor shall the person be eligible for parole until after service of two years.

(C) As used in this section, ‘deadly weapon’ means any instrument which can be used to inflict deadly force.

(D) This section does not affect or replace the common law crime of assault and battery with intent to kill nor does it apply if the sentencing judge, in his discretion, elects to sentence an eligible defendant under the provisions of the ‘Youthful Offenders Act’.”

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

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