**A** **BILL**

TO AMEND SECTION 16‑3‑635, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY UPON CERTAIN MEDICAL, FIREFIGHTER, AND HEALTHCARE PERSONNEL, SO AS TO INCLUDE CODE ENFORCEMENT OFFICERS IN THE PURVIEW OF THE OFFENSE AND TO DEFINE THE TERM “CODE ENFORCEMENT OFFICER” FOR PURPOSES OF THE OFFENSE.

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

SECTION 1. Section 16‑3‑635 of the 1976 Code is amended to read:

“Section 16‑3‑635. (A) As used in this section:

(1) ‘Code enforcement officer’ means an employee of a public entity who is commissioned pursuant to state law and whose primary responsibility is the inspection or enforcement of applicable codes within the jurisdiction of the employer.

(2) ‘Emergency medical service provider’ means an individual or employee of a health care provider who provides medical or health care services in the course of his employment or training which includes, but is not limited to, emergency physicians, nurses, emergency medical technicians, paramedics, members of rescue squads, and ~~anyone~~persons directed by these individuals.

~~(2)~~(3) ‘Firefighter’ means an employee of a town, city, county, or state fire service including, but not limited to, firefighters, volunteer firefighters, fire investigators, fire inspectors, and ~~any one~~persons directed by these individuals.

~~(3)~~(4) ‘Home healthcare worker’ means a licensed nurse who provides health care in a home under the direction of a physician, county or state public health agency, or medical facility.

(B) A person is guilty of the misdemeanor of assault and battery upon a code enforcement officer, an emergency medical service provider, a firefighter, or home healthcare worker 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, if he knowingly or wilfully resists or obstructs a person listed in subsection (A), or commits an assault on a person listed in subsection (A), in the lawful discharge of that person’s official duties and the resistance, obstruction, or assault is unaccompanied by any of the circumstances of aggravation listed in subsection (C).

A person sentenced ~~under~~pursuant to this section for a second or subsequent offense ~~shall~~may not have his sentence suspended to less than six months’ imprisonment nor ~~shall~~is the person eligible for parole until after the service of six months.

(C) A person is guilty of the felony of assault and battery of a high and aggravated nature upon a code enforcement officer, an emergency medical service provider, a firefighter, or home healthcare worker and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned not less than one year nor more than ten years, or both, if he knowingly or wilfully resists or obstructs a person listed in subsection (A), or commits an assault on a person listed in subsection (A), in the lawful discharge of that person’s official duties and the resistance, obstruction, or assault is accompanied by at least one of the following circumstances of aggravation:

(1) physical injury to a person listed in subsection (A);

(2) the use of a deadly weapon;

(3) great disparity in the physical conditions of the parties;

(4) great disparity in the ages of the parties;

(5) great disparity in the sizes of the parties; or

(6) indecent liberties with a female.

As used in this ~~section~~subsection ‘deadly weapon’ means any instrument which can be used to inflict death or serious physical injury.”

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.

‑‑‑‑XX‑‑‑‑