**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑40 SO AS TO DEFINE THE TERMS “LOCK BUMPING” AND “LOCKSMITH”, TO CREATE THE OFFENSE OF LOCK BUMPING, AND TO PROVIDE A PENALTY AND AN EXCEPTION; AND TO AMEND SECTION 16‑11‑20, RELATING TO MAKING OR POSSESSING CERTAIN INSTRUMENTS CAPABLE OF BEING USED IN THE COMMISSION OF CRIMES RELATED TO BURGLARY, SO AS TO INCLUDE BUMP KEY IN THE LIST OF ILLEGAL INSTRUMENTS.

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

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

“Section 16‑11‑40. (A) As used in this section, the term:

(1) ‘Lock bumping’ means a lock‑picking technique for opening a pin tumbler lock using a specially crafted bump key.

(2) ‘Locksmith’ means a person who provides locksmithing services for compensation who engages in the business of repairing, rebuilding, repining, recombinating, servicing, adjusting, or installing any lock, safe, or vault.

(B) It is unlawful for a person to use a bump key with the intent to commit a burglary, larceny, safecracking, or other crime or during the commission of the crime. A person who violates the provisions of this section is guilty of the offense of felony lock bumping and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) A person found guilty of a violation of this section may not have his sentence suspended nor probation granted. Lock bumping is not considered a lesser‑included offense of burglary, larceny, safecracking, or another crime of similar nature.

(D) The provisions of this section do not apply to a locksmith, as defined in this section, who is legally engaged in the locksmithing business and who does have the intent to commit a crime.”

SECTION 2. Section 16‑11‑20 of the 1976 Code is amended to read:

“Section 16‑11‑20. (A) It is unlawful for a person to make or mend, cause to be made or mended, or have in his possession any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedge, drill, tap‑pin, bump key, or other implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime, under circumstances evincing an intent to use, employ, or allow the ~~same~~ instrument to be used or employed in the commission of a crime, or knowing that ~~the same are~~ it is intended to be ~~so~~ used in the commission of a crime.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five 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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