**South Carolina General Assembly**

119th Session, 2011-2012

**A39, R71, S854**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on April 27, 2011

Introduced in the House on May 3, 2011

Passed by the General Assembly on May 25, 2011

Governor's Action: June 7, 2011, Signed

Summary: Assault and battery offenses

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/27/2011 Senate Introduced, read first time, placed on calendar without reference ([Senate Journal‑page 6](file:///h%3A%5Csj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 Senate Read second time ([Senate Journal‑page 17](file:///h%3A%5Csj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 Senate Roll call Ayes‑34 Nays‑0 ([Senate Journal‑page 17](file:///h%3A%5Csj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 17](file:///h%3A%5Csj%20archive%5C2011%5C04-28-11.docx))

 4/29/2011 Senate Read third time and sent to House ([Senate Journal‑page 1](file:///h%3A%5Csj%20archive%5C2011%5C04-29-11.docx))

 5/3/2011 House Introduced and read first time ([House Journal‑page 12](file:///h%3A%5Chj%20archive%5C2011%5C05-03-11.docx))

 5/3/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h%3A%5Chj%20archive%5C2011%5C05-03-11.docx))

 5/18/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 24](file:///h%3A%5Chj%20archive%5C2011%5C05-18-11.docx))

 5/24/2011 House Read second time ([House Journal‑page 26](file:///h%3A%5Chj%20archive%5C2011%5C05-24-11.docx))

 5/24/2011 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 26](file:///h%3A%5Chj%20archive%5C2011%5C05-24-11.docx))

 5/25/2011 House Read third time and enrolled ([House Journal‑page 13](file:///h%3A%5Chj%20archive%5C2011%5C05-25-11.docx))

 6/1/2011 Ratified R 71

 6/7/2011 Signed By Governor

 6/14/2011 Effective date 06/07/11

 6/20/2011 Act No. 39

**VERSIONS OF THIS BILL**

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C854_20110427.docx)

[4/27/2011-A](file:///p%3A%5Cpprever%5C2011-12%5C854_20110427A.docx)

[5/18/2011](file:///p%3A%5Cpprever%5C2011-12%5C854_20110518.docx)

(A39, R71, S854)

**AN ACT TO AMEND SECTION 16‑3‑600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM “A PERSON” FOR THE TERM “AN ADULT”.**

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

**First degree assault and battery, person substituted for adult in certain elements**

SECTION 1. Section 16‑3‑600(C) of the 1976 Code, as added by Act 273 of 2010, is amended to read:

 “(C)(1) A person commits the offense of assault and battery in the first degree if the person unlawfully:

 (a) injures another person, and the act:

 (i) involves nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft; or

 (b) offers or attempts to injure another person with the present ability to do so, and the act:

 (i) is accomplished by means likely to produce death or great bodily injury; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft.

 (2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than ten years.

 (3) Assault and battery in the first degree is a lesser‑included offense of assault and battery of a high and aggravated nature, as defined in subsection (B)(1), and attempted murder, as defined in Section 16‑3‑29.”

**Second degree assault and battery, person substituted for adult in certain elements**

SECTION 2. Section 16‑3‑600(D) of the 1976 Code, as added by Act 273 of 2010, is amended to read:

 “(D)(1) A person commits the offense of assault and battery in the second degree if the person unlawfully injures another person, or offers or attempts to injure another person with the present ability to do so, and:

 (a) moderate bodily injury to another person results or moderate bodily injury to another person could have resulted; or

 (b) the act involves the nonconsensual touching of the private parts of a person, either under or above clothing.

 (2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand five hundred dollars, or imprisoned for not more than three years, or both.

 (3) Assault and battery in the second degree is a lesser‑included offense of assault and battery in the first degree, as defined in subsection (C)(1), assault and battery of a high and aggravated nature, as defined in subsection (B)(1), and attempted murder, as defined in Section 16‑3‑29.”

**Savings clause**

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.

**Time effective**

SECTION 4. This act takes effect upon approval of the Governor.

Ratified the 1st day of June, 2011.

Approved the 7th day of June, 2011.

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