**A** **BILL**

TO AMEND SECTION 44‑53‑378, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF EXPOSING A CHILD TO METHAMPHETAMINE, SO AS TO CREATE A NEW OFFENSE OF EXPOSING A CHILD TO METHAMPHETAMINE WHEN SERIOUS BODILY INJURY TO A MINOR CHILD RESULTS AND TO PROVIDE A PENALTY.

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

SECTION 1. Section 44‑53‑378 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 44‑53‑378. (A) It is unlawful for a person who is eighteen years of age or older to:

(1) either directly or by extraction from natural substances, or independently by means of chemical processes, or both, unlawfully manufacture amphetamine, its salts, isomers, or salts of isomers, or methamphetamine, its salts, isomers, or salts of its isomers in the presence of a minor child; or

(2) knowingly permit a child to be in an environment where a person is selling, offering for sale, or having in ~~such~~ the person’s possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture, or attempt to manufacture amphetamine or methamphetamine; or

(3) knowingly permit a child to be in an environment where drug paraphernalia or volatile, toxic, or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture amphetamine or methamphetamine.

(B) A person who violates subsection (A)~~(1), (2), or (3)~~, upon conviction, for a first offense must be imprisoned not more than five years or fined not more than five thousand dollars, or both. Upon conviction for a second or subsequent offense, the person must be imprisoned not more than ten years or fined not more than ten thousand dollars, or both.

(C) A person who violates the provisions of subsection (A) and serious bodily injury to a minor child results is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars or imprisoned for a mandatory minimum term of imprisonment of five years nor more than twenty years. No part of the mandatory minimum provided in this subsection may be suspended nor may probation be granted. For purposes of this subsection, the term ‘serious bodily injured’ is as defined in Section 23‑31‑400(A).”

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

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