**A** **BILL**

TO AMEND SECTION 16‑3‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MURDER, SO AS TO ADD AS AN AGGRAVATING CIRCUMSTANCE FOR WHICH THE DEATH PENALTY MAY BE IMPOSED FOR THE MURDER OF A FEDERAL, STATE, OR LOCAL ELECTED OR APPOINTED OFFICIAL DURING OR BECAUSE OF THE PERFORMANCE OF HIS OFFICIAL DUTIES AND INCLUDE A REFERENCE TO THIS AGGRAVATING CIRCUMSTANCE FOR THE PURPOSE OF INCLUDING FAMILY MEMBERS IN THE PURVIEW OF THE STATUTE.

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

SECTION 1. Section 16‑3‑20(C)(a) of the 1976 Code, as last amended by Act 289 of 2010, is further amended to read:

“(a) Statutory aggravating circumstances:

(1) The murder was committed while in the commission of the following crimes or acts:

(a) criminal sexual conduct in any degree;

(b) kidnapping;

(c) trafficking in persons;

(d) burglary in any degree;

(e) robbery while armed with a deadly weapon;

(f) larceny with use of a deadly weapon;

(g) killing by poison;

(h) drug trafficking as defined in Section 44‑53‑370(e), 44‑53‑375(B), 44‑53‑440, or 44‑53‑445;

(i) physical torture;

(j) dismemberment of a person; or

(k) arson in the first degree as defined in Section 16‑11‑110(A).

(2) The murder was committed by a person with a prior conviction for murder.

(3) The offender by his act of murder knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which normally would be hazardous to the lives of more than one person.

(4) The offender committed the murder for himself or another for the purpose of receiving money or a thing of monetary value.

(5) The murder of a judicial officer, former judicial officer, solicitor, former solicitor, or other officer of the court during or because of the exercise of his official duty.

(6) The offender caused or directed another to commit murder or committed murder as an agent or employee of another person.

(7) The murder of a federal, state, or local law enforcement officer or former federal, state, or local law enforcement officer, peace officer or former peace officer, corrections officer or former corrections officer, including a county or municipal corrections officer or a former county or municipal corrections officer, a county or municipal detention facility employee or former county or municipal detention facility employee, or fireman or former fireman during or because of the performance of his official duties.

(8) The murder of a federal, state, or local elected or appointed official during or because of the performance of his official duties.

(9) The murder of a family member of an official listed in subitems (5) ~~and~~,(7), and (8) above with the intent to impede or retaliate against the official. ‘Family member’ means a spouse, parent, brother, sister, child, or person to whom the official stands in the place of a parent or a person living in the official’s household and related to him by blood or marriage.

~~(9)~~(10) Two or more persons were murdered by the defendant by one act or pursuant to one scheme or course of conduct.

~~(10)~~(11) The murder of a child eleven years of age or under.

~~(11)~~(12) The murder of a witness or potential witness committed at any time during the criminal process for the purpose of impeding or deterring prosecution of any crime.

~~(12)~~(13) The murder was committed by a person deemed a sexually violent predator pursuant to the provisions of Chapter 48, Title 44, or a person deemed a sexually violent predator who is released pursuant to Section 44‑48‑120.”

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.

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