**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑13‑490 SO AS THE CREATE THE OFFENSES OF MAIL FRAUD AND WIRE FRAUD AND TO PROVIDE PENALTIES FOR THE OFFENSES.

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

SECTION 1. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16‑13‑490. (A) A person commits mail fraud in this State when he:

(1) devises or intends to devise a scheme or artifice to defraud, or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, furnish, or procure for unlawful use any counterfeit obligation, security, other article, or anything represented to be, or intimated or held out to be, a counterfeit or spurious article; and

(2) with the intent to execute this scheme or artifice or attempts to do so, does, hires, counsels, procures, or acts or assists another person who does any of the following:

(i) places in any post office or authorized depository for mail matter within this State any matter or thing to be delivered by the United States Postal Service, according to the direction on the matter or thing;

(ii) deposits or causes to be deposited in this State any matter or thing to be sent or delivered by mail or by private or commercial carrier, according to the direction on the matter or thing;

(iii) takes or receives from mail or from a private or commercial carrier any such matter or thing at the place at which it is directed to be delivered by the person to whom it is addressed; or

(iv) knowingly causes any such matter or thing to be delivered by mail or by private or commercial carrier, according to the direction on the matter or thing; and

(3) each separate communication made for the purpose of executing or concealing a scheme or artifice described in this subsection is a separate act and offense of mail fraud.

(B) A person commits wire fraud in this State when he:

(1) devises or intends to devise a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; and

(2) for the purpose of executing the scheme or artifice, transmits or causes to be transmitted, or hires, counsels, procures, or acts or assists another person who transmits or causes to be transmitted, any writings, signals, pictures, sounds, or electronic or electric impulses by means of wire, radio, or television communications:

(i) from within this State;

(ii) so that the transmission is received by a person within this State; or

(iii) so that the transmission may be accessed by a person within this State; and

(3) each separate communication made for the purpose of executing or concealing a scheme or artifice described in this subsection is a separate act and offense of wire fraud.

(C) For purposes of jurisdiction:

(1) mail fraud using a government or private carrier occurs in the county in which mail or other matter is deposited with the United States Postal Service or a private or commercial carrier for delivery, if deposited with the United States Postal Service or a private or commercial carrier within this State, and the county in which a person within this State receives the mail or other matter from the United States Postal Service or a private or commercial carrier; and

(2) wire fraud occurs in the county from which a transmission is sent, if the transmission is sent from within this State, the county in which a person within this State receives the transmission, and the county in which a person who is within this State is located when the person accesses a transmission.

(D) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the amount is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount is more than two thousand dollars but less than ten thousand dollars; or

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount is ten thousand dollars or more.”

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

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