**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑15‑260 SO AS TO CREATE THE OFFENSE OF UNLAWFUL DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS WITH INTENT TO CAUSE SUBSTANTIAL EMOTIONAL DISTRESS, AND TO PROVIDE GRADUATED PENALTIES.

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

SECTION 1. Article 1, Chapter 15, Title 16 of the 1976 Code is amended by adding:

“Section 16‑15‑260. (A) It is unlawful for a person, with the intent to cause substantial emotional distress to the depicted person and absent a clear public purpose, to disseminate or sell any picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these created by any means, or any reproduction of a picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these that depicts another person in a state of sexually explicit nudity, as defined in Section 16‑15‑375, when the:

(1) person knows or has reason to know that he is not licensed or privileged to disseminate or sell the picture, drawing, video recording, film, digital electronic file, or other visual depiction or representation of these; and

(2) depicted person suffers substantial emotional distress.

(B) A person who violates the provisions of this section, for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years; and

(2) second offense or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years.”

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

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