**A** **BILL**

TO AMEND SECTION 24‑13‑470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE THROWING OF BODY FLUIDS ON CORRECTIONAL FACILITY EMPLOYEES AND CERTAIN OTHERS BY INMATES, DETAINEES, PERSONS TAKEN INTO CUSTODY, AND PERSONS UNDER ARREST, SO AS TO INCLUDE ASSAULT AND BATTERY OFFENSES COMMITTED BY THESE DESIGNATED PERSONS IN THE PURVIEW OF THE STATUTE.

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

SECTION 1. Section 24‑13‑470(A) of the 1976 Code, as last amended by Act 237 of 2010, is further amended to read:

“(A) An inmate, a detainee, a person taken into custody, or a person under arrest, who commits an assault and battery offense, as provided in Section 16‑3‑600(C), (D), or (E), or who attempts to throw or throws body fluids including, but not limited to, urine, blood, feces, vomit, saliva, or semen on an employee of a state correctional facility or local detention facility, a state or local law enforcement officer, a visitor of a state correctional facility or local detention facility, or any other person authorized to be present in a state correctional facility or local detention facility in an official capacity is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. A sentence ~~under~~ pursuant to this provision must be served consecutively to any other sentence the inmate is serving. This section shall not prohibit the prosecution of an inmate for a more serious offense if the inmate is determined to be HIV‑positive or has another disease that may be transmitted through body fluids.”

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.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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