**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4439**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gilliard and Cobb‑Hunter

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Companion/Similar bill(s): 3404, 4463, 4485, 4533, 4618

Introduced in the House on January 12, 2016

Currently residing in the House Committee on **Judiciary**

Summary: Hate Crimes

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 65](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 65](file:///h:\HJ%20Archive\2016\01-12-16.docx))

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**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4439_20151203.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROVIDE PENALTIES FOR A PERSON CONVICTED OF A CRIME CONTAINED IN THIS CHAPTER WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN A PERSON BECAUSE OF HIS RACE, RELIGION, COLOR, SEX, AGE, NATIONAL ORIGIN, OR SEXUAL ORIENTATION; AND TO AMEND SECTIONS 16‑11‑510 AND 16‑11‑520, BOTH AS AMENDED, RELATING TO MALICIOUS INJURY TO PERSONAL AND REAL PROPERTY, SO AS TO REVISE THE PENALTIES FOR MALICIOUS INJURY TO REAL PROPERTY OFFENSES AND TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO MALICIOUSLY INJURE PERSONAL OR REAL PROPERTY OF ANOTHER PERSON WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN THAT PERSON.

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

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 20

Hate Crimes

Section 16‑3‑2210. A person who commits an offense contained in this chapter with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this article may not be suspended. A sentence imposed pursuant to the provisions of this section is in addition to any other sentence imposed for another offense and is not a lesser-included offense of another offense; and any sentence imposed pursuant to the provisions of this section must be served consecutively. For purposes of this section, ‘sexual orientation’ means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.”

SECTION 2. Section 16‑11‑510 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑11‑510. (A) It is unlawful for a person to wilfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.

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

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

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

(3) 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 injury to the property or the property loss is worth 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, or both.

(C) A person who violates the provisions of subsection (A) with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this subsection may not be suspended. For purposes of this section, ‘sexual orientation’ means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.”

SECTION 3. Section 16‑11‑520 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑11‑520. (A) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit ~~any other~~ another trespass upon real property of another person.

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

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

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

(3) 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 injury to the property or the property loss is worth 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, or both.

(C) A person who violates the provisions of subsection (A) with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this subsection may not be suspended. For purposes of this section, ‘sexual orientation’ means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.”

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

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