**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 A PENALTY.

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 emotional distress or embarrassment 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 emotional distress or embarrassment.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.”

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

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