**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑15‑360 SO AS TO DEFINE NECESSARY TERMS, TO CREATE THE OFFENSE OF PERSONS AFFILIATED WITH A PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR SECONDARY SCHOOL IN AN OFFICIAL CAPACITY DISSEMINATING OBSCENE MATERIAL TO A STUDENT, AND TO PROVIDE A PENALTY.

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

SECTION 1. Article 3, Chapter 15, Title 16 of the 1976 Code is amended by adding:

“Section 16‑15‑360. (A) For purposes of this section:

(1) ‘Person affiliated with a public or private elementary, middle, or secondary school in an official capacity’ means an administrator, teacher, substitute teacher, teacher’s assistant, student teacher, law enforcement officer, school bus driver, guidance counselor, or coach who is affiliated with a public or private elementary, middle, or secondary school but is not a student enrolled in the school.

(2) ‘Secondary school’ means either a junior high school or a high school.

(3) ‘Student’ means a person who is enrolled in a school.

(B) A person affiliated with a public or private elementary, middle, or secondary school in an official capacity who knowingly disseminates to a student material which he knows, or reasonably should know, to be obscene within the meaning of Section 16‑15‑305 is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.”

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

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