~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 27, 2016

**S. 524**

Introduced by Senators Hembree and Fair

S. Printed 1/27/16--S.

Read the first time March 5, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 524) to amend Section 16‑15‑130, Code of Laws of South Carolina, 1976, relating to indecent exposure, so as to provide that a corrections or detention facility, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24-13-480. (A) It is unlawful for a person to wilfully, maliciously, and indecently expose his person in a corrections or detention facility.

(B) This section does not apply to a woman who breastfeeds her own child in a corrections or detention facility.

(C) A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both. The sentence must be served consecutively to any other sentence the person is serving.”

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

Renumber sections to conform.

Amend title to conform.

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

All agencies surveyed indicated that the costs associated with the implementation of this bill would be minimal and could be absorbed with the current level of funding.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 524 expands the definition of a public place to include a corrections or detention facility relating to the offense of indecent exposure. The bill also provides that if the violation occurs within a corrections or detention facility.

The Judicial Department and the Department of Corrections have indicated that the costs associated with the implementation of this bill would be minimal and could be absorbed with the current level of funding.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 16‑15‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDECENT EXPOSURE, SO AS TO PROVIDE THAT A CORRECTIONS OR DETENTION FACILITY IS CONSIDERED A PUBLIC PLACE, AND TO PROVIDE THAT IF THE VIOLATION OCCURS WITHIN A CORRECTIONS OR DETENTION FACILITY, THE SENTENCE IS TO RUN CONSECUTIVELY.

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

SECTION 1. Section 16‑15‑130 of the 1976 Code is amended to read:

“(A)(1) It is unlawful for a person to wilfully, maliciously, and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway.

(2) This subsection does not apply to a woman who breastfeeds her own child in a public place, on property of others, to the view of any person on a street or highway, or any other place where a woman and her child are authorized to be.

(3) For purposes of this subsection, a corrections or detention facility is considered a public place.

(B) A person who violates the provisions of subsection (A)(1) is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both. If the violation occurs within a corrections or detention facility, the sentence is to run consecutively.”

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

‑‑‑‑XX‑‑‑‑