**A** **BILL**

TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATED TO OFFENSES AGAINST THE PERSON, TO ADD SECTION 16‑3‑620 TO CREATE THE OFFENSES OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE ON A LAW ENFORCEMENT OFFICER, AND ASSAULT AND BATTERY ON A LAW ENFORCEMENT OFFICER IN THE FIRST, SECOND, AND THIRD DEGREES; AND TO PROVIDE DEFINITIONS AND PENALTIES.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑620. (A) For purposes of this section:

(1) ‘Great bodily injury’ is defined by Section 16‑3‑600(A)(1).

(2) ‘Moderate bodily injury’ is defined by Section 16‑3‑600(A)(2).

(B)(1) A person commits the offense of assault and battery of a high and aggravated nature on a law enforcement officer if the person unlawfully injures a law enforcement officer while the officer was in the performance of his official duties, and:

(a) great bodily injury to the officer results; or

(b) the act is accomplished by means likely to produce death or great bodily injury.

(2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than ~~twenty~~ thirty years.

(C)(1) A person commits the offense of assault and battery on a law enforcement officer in the first degree if the person unlawfully offers or attempts to injure a law enforcement officer with the present ability to do so, and the act is accomplished by means likely to produce death or great bodily injury, and the act occurs while the officer was in the performance of his official duties.

(2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than ~~ten~~ twenty years.

(3) Assault and battery of a law enforcement officer in the first degree is a lesser included offense of assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).

(D)(1) A person commits the offense of assault and battery on a law enforcement officer in the second degree if the person unlawfully injures, or offers or attempts to injure with the present ability to do so a law enforcement officer while the officer was in the performance of his official duties, and moderate bodily injury to the law enforcement officer results or moderate bodily injury to the law enforcement officer could have resulted.

(2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than ~~two thousand five hundred~~ five thousand dollars, or imprisoned for not more than ~~three~~ ten years, or both.

(3) Assault and battery on a law enforcement officer in the second degree is a lesser included offense of assault and battery on a law enforcement officer in the first degree, as defined in subsection (C)(1), and assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).

(E)(1) A person commits the offense of assault and battery on a law enforcement officer in the third degree if the person unlawfully injures a law enforcement officer, or offers or attempts to injure a law enforcement officer with the present ability to do so, while the officer was in the performance of his official duties.

(2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than ~~five hundred~~ one thousand dollars, or imprisoned for not more than ~~thirty days~~ one year, or both.

(3) Assault and battery on a law enforcement officer in the third degree is a lesser included offense of assault and battery on a law enforcement officer in the second degree, as defined in subsection (D)(1), assault and battery on a law enforcement officer in the first degree, as defined in subsection (C)(1), and assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).”

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

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