**South Carolina General Assembly**

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**H. 5271**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Toole

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Introduced in the House on February 20, 2020

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

Summary: Coercive control

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2020 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj\20200220.docx))

2/20/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\hj\20200220.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5271&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/20/2020](file:///p:\pprever\2019-20\5271_20200220.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑25‑130 SO AS TO DEFINE NECESSARY TERMS, TO CREATE THE OFFENSE OF COERCIVE CONTROL OVER ANOTHER PERSON, TO PROVIDE EXAMPLES OF THE TYPES OF BEHAVIOR AND EVIDENCE THAT MAY BE USED TO SUPPORT THE OFFENSE, AND TO PROVIDE A PENALTY.

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

SECTION 1. Article 1, Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16‑25‑130. (A) For the purposes of this section, the term:

(1) ‘Coercive behavior’ means an act or pattern of acts of assault, threats, humiliation, manipulation, and intimidation or other abuse, including emotional abuse, that is used to harm, punish, or frighten the victim by fraudulent representations.

(2) ‘Controlling behavior’ means a range of acts designed to make a person subordinate or dependent by isolating the person from sources of support, exploiting the person’s resources and capacities for personal gain, depriving the person of the means needed for independence, resistance, or escape, or regulating the person’s everyday behavior.

(3) ‘Personally connected’ means persons who are:

(a) engaged in an intimate personal relationship or have been previously in an intimate personal relationship; or

(b) household members as defined in Section 16‑25‑10.

(B) It is unlawful for a person to repeatedly or continuously engage in a course of behavior towards another person that is coercive or controlling when both persons are personally connected and which results in a person causing the victim to fear, on at least two occasions, that violence will be used against the victim or which results in mental distress to the victim resulting in a substantial adverse effect on the victim’s day‑to‑day activities. A person who violates the provisions of this section is guilty of the felony of coercive control of another person and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(1) The offense of coercive control of another person may include, but is not limited to, the following types of behavior:

(a) isolating a person from the person’s friends and family;

(b) depriving a person of basic needs;

(c) monitoring a person’s time;

(d) monitoring a person via online communication tools or using spyware;

(e) taking control over aspects of a person’s everyday life, including where the person can go, who the person can see, what a person may wear, and when a person may sleep;

(f) depriving a person access to support services, including medical services;

(g) repeatedly putting a person down, including expressing the person’s worthlessness;

(h) enforcing rules and activity which humiliate, degrade, or dehumanize the person;

(i) forcing a person to take part in criminal activity, including shoplifting and neglect or abuse of children to encourage self‑blame and prevent disclosure to authorities;

(j) financial abuse, including control of finances and only allowing a person a punitive allowance;

(k) threats to hurt or kill;

(l) threats to a child;

(m) threats to reveal or publish private information or extort the person or a member of the person’s family in retaliation by legal or other means;

(n) assault;

(o) rape; or

(p) preventing a person from having access to transport or from working.

(2) Evidence of coercive control of another person may include, but is not limited to, the following:

(a) copies of emails, phone records, or text messages;

(b) evidence of abuse over the Internet, digital technology, or social media platforms;

(c) evidence of an assault;

(d) photographs of injuries particularly defensive injuries to forearms, latent upper arm grabs, scalp bruising, or clumps of hair missing;

(e) 911 tapes or transcripts;

(f) body‑worn camera footage;

(g) lifestyle and household evidence, including at-scene photographic evidence;

(h) records of interaction with support services or law enforcement, including prior to the current incident or investigation;

(i) medical records;

(j) witness testimony, including testimony from the family and friends of the victim regarding the effect and impact of isolation of the victim from them or other local witnesses with relevant observations of the victim;

(k) bank records to show financial control;

(l) previous threats made to children or other family members;

(m) diary kept by the victim;

(n) the victim’s account of the situation to law enforcement; or

(o) evidence of isolation such as lack of contact between family and friends, victim withdrawing from activities such as clubs and other life events including weddings and funerals, and the person exerting control accompanying the victim to medical appointments.

(C) The provisions of this section do not apply to actions taken pursuant to a legal arrangement granting one person power or authority over another person including, but not limited to, power of attorney arrangements, legal guardians of the property or person as provided by law, parental control of a minor child, or cases in which the person asserting control over another believed the actions were in the best interests of the victim and the actions were objectively reasonable under the circumstances. Under no circumstances is it a reasonable defense if the actions caused another person to fear that violence would be used against them.”

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

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