**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑930 SO AS TO DEFINE NECESSARY TERMS, CREATE THE OFFENSE OF LURING A CHILD INTO A CONVEYANCE, DWELLING, OR STRUCTURE, AND PROVIDE A PENALTY AND DEFENSES TO PROSECUTION.

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

SECTION 1. Article 9, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑930. (A) As used in this section, the term:

(1) ‘Child’ means a person under eighteen years of age.

(2) ‘Conveyance’ means any motor vehicle, as defined in Section 56‑1‑10, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

(3) ‘Dwelling’ means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by persons lodging together, including the surrounding area.

(4) ‘Structure’ means a building of any kind, either temporary or permanent, which has a roof over it, including the surrounding area.

(B)(1) A person eighteen years of age or older who lures, entices, or attempts to lure or entice a child into a conveyance, dwelling, or structure without the consent, express or implied, of the child’s parent or legal guardian for a:

(a) first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year; or

(b) second offense or subsequent offense is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both.

(2) A person eighteen years of age or older who violates the provisions of item (1) when the child is under the age of thirteen for a:

(a) first offense is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years; or

(b) second or subsequent offense is guilty of felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(C) Mistake of age is not a defense to prosecution pursuant to the provisions of this section. However, it is an affirmative defense to prosecution pursuant to the provisions of this section if the:

(1) person reasonably believed that his action was necessary to prevent the child from sustaining serious injury;

(2) person lured, enticed, or attempted to lure or entice, the child into the conveyance, dwelling, or structure for a lawful purpose; or

(3) person’s actions were otherwise reasonable under the circumstances and he did not have the intent to harm the health, safety, or welfare of the child.

(D) The penalties provided in this section are in addition to other penalties as provided by law for kidnapping or other more serious offenses as warranted and are not intended to be lesser‑included offenses of more serious offenses.”

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

‑‑‑‑XX‑‑‑‑