**A** **BILL**

TO AMEND SECTION 16‑15‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDECENT EXPOSURE, SO AS TO RESTRUCTURE THE PENALTY PROVISIONS BY PROVIDING GRADUATED PENALTIES AND ENHANCEMENT FOR COMMISSION OF THE OFFENSE IN THE PRESENCE OF A CHILD FOURTEEN YEARS OF AGE OR UNDER.

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:

“Section 16‑15‑130. (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.

(B) A person who violates the provisions of subsection (A)(1):

(1) for a first offense, 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;

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

(3) for a third or subsequent offense or if a person violates the provisions of subsection (A)(1) in the presence of a child fourteen years of age or under, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for a mandatory minimum of three years but not more than ten years, or both. No part of the mandatory minimum sentence provided in this item may be suspended nor probation granted.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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