**A** **BILL**

TO AMEND SECTION 16‑3‑651, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL SEXUAL CONDUCT DEFINITIONS, SO AS TO ADD A DEFINITION FOR “CONSENT”.

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

SECTION 1. Section 16‑3‑651 of the 1976 Code is amended to read:

“Section 16‑3‑651. For the purposes of Sections 16‑3‑651 to 16‑3‑659.1:

(a) ‘Actor’ means a person accused of criminal sexual conduct.

(b) ‘Aggravated coercion’ means that the actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person.

(c) ‘Aggravated force’ means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon.

(d) ‘Consent’ means a freely given, knowledgeable, and informed agreement.

(e) ‘Intimate parts’ includes the primary genital area, anus, groin, inner thighs, or buttocks of a male or female human being and the breasts of a female human being.

~~(e)~~ (f) ‘Mentally defective’ means that a person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct.

~~(f)~~ (g) ‘Mentally incapacitated’ means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause.

~~(g)~~ (h) ‘Physically helpless’ means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

~~(h)~~ (i) ‘Sexual battery’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.

~~(i)~~ (j) ‘Victim’ means the person alleging to have been subjected to criminal sexual conduct.”

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

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