**A** **BILL**

A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULTS, TO ENACT THE “HATE CRIME PREVENTION ACT OF 2020” BY ADDING SECTION 16-3-605 TO PROVIDE THAT IS UNLAWFUL TO WILLFULLY CAUSE BODILY INJURY OR DEATH TO A PERSON OR ATTEMPT OR THREATEN TO CAUSE BODILY INJURY OR DEATH THROUGH THE USE OF A FIRE, A FIREARM, A DANGEROUS WEAPON, OR A DESTRUCTIVE DEVICE, BECAUSE OF THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, SEXUAL ORIENTATION, OR NATIONAL ORIGIN OF ANY PERSON AND TO PROVIDE PENALTIES AND DEFINITIONS.

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

SECTION 1. This act may be cited as the “Hate Crime Prevention Act of 2020”.

SECTION 2. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-605. (A) For purposes of this section:

(1) ‘destructive device’ means a device as defined under Section 16-23-710(7), and

(2) ‘firearm’ means a weapon which is designed to or readily may be converted to expel a projectile by the action of an explosive, or the frame or receiver of that weapon.

(B) It is unlawful for a person to willfully cause bodily injury to any person or, through the use of a fire, a firearm, a dangerous weapon, or a destructive device, attempt or threaten to cause bodily harm or injury to any person because of the actual or perceived race, color, religion, sexual orientation, or national origin of any person.

(C) A person who violates a provision of subsection (B) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or be imprisoned for not more than ten years, or both.

(D) A person who violates a provision of subsection (B) is guilty of a felony and, upon conviction, shall be imprisoned for up to life if death results or the offense includes kidnapping or an attempt to kidnap, an act of criminal sexual conduct or an attempt to commit criminal sexual conduct, or attempted murder.

(E) A sentence imposed pursuant to the provisions of this section is in addition to any other sentence imposed for another offense and any sentence imposed pursuant to the provisions of this section must be served consecutively.”

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

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