**A** **BILL**

TO AMEND SECTION 16-17-425 OF THE 1976 CODE, RELATING TO THE COMMUNICATION OF THREATS BY A STUDENT OF A SCHOOL OR COLLEGE, TO PROVIDE PENALTIES FOR A PERSON WHO MAKES THREATS TO TAKE THE LIFE OF OR INFLICT BODILY HARM UPON ANOTHER AT A SCHOOL OR COLLEGE IN THIS STATE.

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

SECTION 1. Section 16-17-425 of the 1976 Code is amended to read:

“Section 16‑17‑425. (A) It is unlawful for a ~~student of a school or college in this State~~ person to make threats to take the life of or to inflict bodily harm upon another at a school or college in this State by using any form of communication whatsoever.

(B)(1) A person who is charged with violating subsection (A) shall, as a condition of his bond, undergo a mental health evaluation. If the mental health evaluation reveals that the person needs mental health treatment or counseling, then the solicitor may refer him to a mental health court, or the court shall require him to undergo mental health treatment or counseling by a court-approved mental health professional, mental health facility, or facility operated by the Department of Mental Health.

(2) Mental health treatment or counseling pursuant to item (1) is all that may be imposed upon a person referred by the solicitor to a mental health court or required by the court to undergo mental health treatment or counseling.

(C) A person who violates subsection (A), undergoes a mental health evaluation, and is determined not to need mental health treatment or counseling:

(1) for a violation that does not result in damage to or the destruction of a building or other real or personal property or in the serious bodily injury or death of another person:

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

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

(2) for a violation that results in damage to or the destruction of a building or other real or personal property, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars, imprisoned not more than three years, or both; or

(3) for a violation that results in the serious bodily injury or death of another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, imprisoned not more than five years, or both.

(D) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other criminal statute.”

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

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