**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑80 SO AS TO PROVIDE A PERSON IS GUILTY OF DRUG‑INDUCED HOMICIDE WHEN HE DELIVERS CERTAIN CONTROLLED SUBSTANCES TO ANOTHER PERSON AND THAT CONTROLLED SUBSTANCE IS THE PROXIMATE CAUSE OF ANOTHER PERSON’S DEATH AND TO PROVIDE A PENALTY.

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

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

“Section 16‑3‑80. (A) A person who unlawfully delivers a controlled substance to another person, in violation of the provisions of Section 44‑53‑370 or 44‑53‑375, and that controlled substance is the proximate cause of the death of another person by injection, inhalation, absorption, or ingestion of any amount of the controlled substance, commits the felony offense of drug‑induced homicide.

(B) A person convicted of a drug‑induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years nor less than two years.

(C) It is not a defense pursuant to this section that the decedent contributed to his own death by his purposeful, knowing, reckless or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.”

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.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.

‑‑‑‑XX‑‑‑‑