**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3728**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hyde

Document Path: l:\council\bills\bh\7401ahb21.docx

Introduced in the House on January 27, 2021

Currently residing in the House Committee on **Judiciary**

Summary: Threatening to kill or inflict bodily harm, offense created

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2021 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj\20210127.docx))

1/27/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\hj\20210127.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3728&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/26/2021](file:///p:\pprever\2021-22\3728_20210126.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1030 SO AS TO CREATE THE OFFENSE OF THREATENING TO KILL OR INFLICT BODILY HARM TO A PUBLIC OFFICIAL, PUBLIC EMPLOYEE, TEACHER, PRINCIPAL, OR IMMEDIATE FAMILY MEMBER OF ONE OF THESE WHEN THE THREAT IS ACCOMPANIED BY AN OVERT ACT AND DIRECTLY RELATED TO THE PROFESSIONAL RESPONSIBILITIES OF THE OFFICIAL, TO DEFINE NECESSARY TERMS, AND TO PROVIDE A PENALTY.

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

SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1030. (A) It is unlawful for a person knowingly and wilfully to deliver or convey to a public official, public employee, or to a teacher or principal of an elementary or secondary school any letter or paper, writing, print, missive, document, or electronic communication or verbal or electronic communication which contains a threat to take the life of or to inflict bodily harm upon the public official, teacher, or principal, or members of his immediate family, if the threat is directly related to the public official’s, teacher’s, or principal’s professional responsibilities, and the threat is accompanied by an overt act to take the life of or inflict bodily harm upon the public official, public employee, a teacher or principal of an elementary or secondary school, or an immediate family member of one of these.

(B) A person who violates the provisions of this section is guilty of the felony of threatening to kill or inflict bodily harm to a public official, public employee, teacher, principal, or immediate family member of one of these when the threat is accompanied by an overt act and directly related to the professional responsibilities of the official and, upon conviction, must be imprisoned not more than thirty years.

(C) For purposes of this section:

(1) ‘Immediate family’ means the spouse, child, grandchild, mother, father, sister, or brother of the public official, teacher, principal, or public employee.

(2) ‘Overt act’ means the planning of the act, an attempt of the act, involvement in a conspiracy regarding an act, any type of payment to procure the act, providing a weapon to another person to perform the act, and/or aiding or abetting a person in the act in any way.

(3) ‘Public employee’ means a person employed by the State, a county, a municipality, a school district, or a political subdivision of this State, except that for purposes of this section, a ‘public employee’ does include a teacher or principal of an elementary or secondary school.

(4) ‘Public official’ means an elected or appointed official of the United States or of this State or of a county, municipality, or other political subdivision of this State.

(5) ‘Weapon’ means firearm (rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive), a blackjack, a metal pipe or pole, knife, bomb, or any other type of device, or any object or substance which may be used to inflict bodily injury or death.”

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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