**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDES, BY ADDING SECTION 16-3-65, TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; AND TO AMEND SECTION 16-1-10(D) OF THE 1976 CODE, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, TO ADD DRUG-INDUCED HOMICIDE.

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 16-3-65. (A) A person who unlawfully delivers, dispenses, or otherwise provides a controlled substance, controlled substance analogue, or other unlawful substance to another person, if the proximate cause of the death of another person is the injection, inhalation, absorption, or ingestion of any amount of the controlled substance, commits the offense of drug-induced homicide.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years and not less than two years, and fined not more than fifty thousand dollars and not less than ten thousand dollars. A sentence imposed pursuant to this section may not be suspended nor may probation be granted.

(C) It is not a defense pursuant to this section that a 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. Section 16-1-10(D) of the 1976 Code is amended by adding a new offense to read:

“16-3-65 Drug-induced homicide”

SECTION 3. 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founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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 4. This act takes effect upon approval by the Governor.

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