~~3Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 21, 2021

**H. 4075**

Introduced by Reps. Wetmore and Stavrinakis

S. Printed 4/21/21--H.

Read the first time March 11, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4075) to amend Section 23‑3‑430, Code of Laws of South Carolina, 1976, relating to the sex offender registry, so as to conform the registration provisions for, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 23-3-430(C)(5) and (6) of the 1976 Code is amended to read:

“(5) criminal sexual conduct with minors, second degree (Section 16‑3‑655(B)). If evidence is presented at the criminal proceeding or in any court of competent jurisdiction, and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16‑3‑655(B)(2) provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(6) criminal sexual conduct with minors, third degree (Section 16‑3‑655(C)). If evidence is presented at the criminal proceeding , or in any court of competent jurisdiction and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16‑3‑655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;” /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND SECTION 23‑3‑430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO CONFORM THE REGISTRATION PROVISIONS FOR SECOND DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR TO THIRD DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR.

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

SECTION 1. Section 23‑3‑430(C)(6) of the 1976 Code is amended to read:

“(6) criminal sexual conduct with minors, third degree (Section 16‑3‑655(C)). If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16‑3‑655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;”

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

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