**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 25, TITLE 16 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING DOMESTIC VIOLENCE, BY ADDING SECTION 16‑25‑130 TO CREATE THE OFFENSE OF COERCIVE CONTROL OVER ANOTHER PERSON, TO PROVIDE EXAMPLES OF THE TYPES OF BEHAVIOR AND EVIDENCE THAT MAY BE USED TO SUPPORT THE OFFENSE, TO PROVIDE A PENALTY, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 1, Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16‑25‑130. (A) For the purposes of this section:

(1) ‘Coercive behavior’ means an act or pattern of acts of assault, threats, humiliation, manipulation, intimidation, or other abuse, including emotional abuse, that is used to harm, punish, or frighten another person by fraudulent representations.

(2) ‘Controlling behavior’ means a range of acts designed to make a person subordinate or dependent by isolating the person from sources of support, exploiting the person’s resources and capacities for personal gain, depriving the person of the means needed for independence, resistance, or escape, or regulating the person’s everyday behavior.

(3) ‘Personally connected’ means persons who are:

(a) engaged in an intimate personal relationship or have previously been in an intimate personal relationship; or

(b) household members as defined in Section 16‑25‑10.

(B)(1) When two persons are personally connected, it is unlawful for one person to repeatedly or continuously engage in a course of behavior toward the other person that is coercive or controlling and that results in the person fearing, on at least two occasions, that violence will be used against them or that results in their mental distress such that their day-to-day activities suffer substantial adverse effects. A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(2) The offense of coercive control of another person may include, but is not limited to, the following types of behavior:

(a) isolating a person from their friends and family;

(b) depriving a person of basic needs;

(c) monitoring a person’s time;

(d) monitoring a person via online communication tools or using spyware;

(e) taking control over aspects of a person’s everyday life, including where the person may go, who the person may see, what a person may wear, and when a person may sleep;

(f) depriving a person access to support services, including medical services;

(g) repeatedly insulting a person, including expressing the person’s worthlessness;

(h) enforcing rules and activities that humiliate, degrade, or dehumanize the person;

(i) forcing a person to take part in criminal activity, including shoplifting and neglect or abuse of children, to encourage the person’s self‑blame and prevent disclosure to authorities;

(j) financial abuse, including control of finances and only allowing a person a punitive allowance;

(k) threats to hurt or kill;

(l) threats to a child;

(m) threats to reveal or publish private information or extort the person or a member of the person’s family in retaliation by legal or other means;

(n) assault;

(o) rape; or

(p) preventing a person from having access to transport or from working.

(3) Evidence of coercive control of another person may include, but is not limited to, the following:

(a) copies of emails, phone records, or text messages;

(b) evidence of abuse over the Internet, digital technology, or social media platforms;

(c) evidence of assault;

(d) photographs of injuries, particularly defensive injuries to forearms, latent upper arm grabs, scalp bruising, or clumps of hair missing;

(e) 911 tapes or transcripts;

(f) body‑worn camera footage;

(g) lifestyle and household evidence, including at‑scene photographic evidence;

(h) records of interaction with support services or law enforcement, including records of interaction prior to the current incident or investigation;

(i) medical records;

(j) witness testimony, including testimony from the family and friends, regarding the effect and impact of isolation of the person from friends or family, or other local witnesses with relevant observations of the person;

(k) bank records to show financial control;

(l) previous threats made to children or other family members;

(m) diary kept by the person;

(n) the person’s account of the situation to law enforcement; or

(o) evidence of isolation such as lack of contact between family and friends, person withdrawing from activities such as clubs and other life events including weddings and funerals, and the person exerting control accompanying the person to medical appointments.

(C) The provisions of this section do not apply to actions taken pursuant to a legal arrangement granting one person power or authority over another person including, but not limited to, power of attorney arrangements, legal guardians of the property or person as provided by law, parental control of a minor child, or cases in which the person asserting control over another person believed the actions were in the best interests of the person and the actions were objectively reasonable under the circumstances. Under no circumstances is it a reasonable defense if the actions caused another person to fear that violence would be used against them.”

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

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