**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4662**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Chapman, Nutt and Felder

Companion/Similar bill(s): 839, 3023

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Introduced in the House on January 9, 2024

Currently residing in the House

Summary: Homicide by child abuse

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/14/2023 House Prefiled

12/14/2023 House Referred to Committee on **Judiciary**

1/9/2024 House Introduced and read first time ([House Journal‑page 116](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 116](h:\hj\20240109.docx))

1/10/2024 House Member(s) request name added as sponsor: Felder

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4662&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4662_20231214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑3‑85, RELATING TO HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE AGE OF A CHILD UNDER THIS SECTION FROM under the age of ELEVEN TO under the age of EIGHTEEN.

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

SECTION 1. Section 16‑3‑85 of the S.C. Code is amended to read:

Section 16‑3‑85. (A) A person is guilty of homicide by child abuse if the person:

(1) causes the death of a child under the age of eleven eighteen while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or

(2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleveneighteen.

(B) For purposes of this section, the following definitions apply:

(1) “childChild abuse or neglect” means an act or omission by any person which causes harm to the child's physical health or welfare;.

(2) “harmHarm” to a child's health or welfare occurs when a person:

(a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment;

(b) fails to supply the child with adequate food, clothing, shelter, or health care, and the failure to do so causes a physical injury or condition resulting in death; or

(c) abandons the child resulting in the child's death.

(C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

(1) under subsection (A)(1) may be imprisoned for life but not less than a term of twenty years; or

(2) under subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.

(D) In sentencing a person under this section, the judge must consider any aggravating circumstances including, but not limited to, a defendant's past pattern of child abuse or neglect of a child under the age of eleveneighteen, and any mitigating circumstances; however, a child's crying does not constitute provocation so as to be considered a mitigating circumstance.

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

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