**South Carolina General Assembly**

125th Session, 2023-2024

**S. 877**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Senn, Shealy, Gustafson, McLeod, Devine and Setzler

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Introduced in the Senate on January 9, 2024

Introduced in the House on March 20, 2024

Last Amended on February 29, 2024

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

Summary: Child Luring

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Judiciary**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 68)

 1/9/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 68)

 1/19/2024 Senate Referred to Subcommittee: Hutto (ch), Rice, Senn,
 Adams, Tedder

 2/21/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 10)

 2/22/2024 Scrivener's error corrected

 2/29/2024 Senate Committee Amendment Adopted (Senate Journal‑page 16)

 2/29/2024 Senate Amended (Senate Journal‑page 16)

 2/29/2024 Senate Read second time (Senate Journal‑page 16)

 2/29/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 16)

 3/1/2024 Scrivener's error corrected

 3/19/2024 Senate Read third time and sent to House (Senate Journal‑page 10)

 3/20/2024 House Introduced and read first time (House Journal‑page 22)

 3/20/2024 House Referred to Committee on **Judiciary** (House Journal‑page 22)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/877_20231130.docx)

[02/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/877_20240221.docx)

[02/22/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/877_20240222.docx)

[03/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/877_20240301.docx)

[03/01/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/877_20240301a.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted and Amended

February 29, 2024

S. 877

Introduced by Senators Senn, Shealy, Gustafson, McLeod and Devine

S. Printed 02/29/24--S. [SEC 3/1/2024 4:13 PM]

Read the first time January 09, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 63‑5‑90 SO AS TO DEFINE NECESSARY TERMS, CREATE THE OFFENSE OF LURING A CHILD INTO A CONVEYANCE, DWELLING, OR STRUCTURE, AND PROVIDE A PENALTY AND DEFENSES TO PROSECUTION.

 Amend Title To Conform

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

SECTION 1. Chapter 5, Title 63 of the S.C. Code is amended by adding:

 Section 63‑5‑90. (A) As used in this section, the term:

 (1) “Child” means a person under sixteen years of age.

 (2) “Conveyance” means any motor vehicle as defined in Section 56-1-10, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

 (3) “Dwelling” means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by persons lodging together, including the surrounding area.

 (4) “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, including the surrounding area.

 (B) Unless the circumstances reasonably indicate that the child is in need of assistance, a person eighteen years of age or older who lures, entices, or attempts to lure or entice a child into a conveyance, dwelling, or structure without the consent, express or implied, of the child’s parent or legal guardian 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.

 (C) Mistake of age is not a defense to prosecution pursuant to the provisions of this section. However, it is an affirmative defense to prosecution pursuant to the provisions of this section if the:

 (1) person lured, enticed, or attempted to lure or entice, the child into the conveyance, dwelling, or structure for a lawful purpose; or

 (2) person’s actions were otherwise reasonable under the circumstances, and he did not have the intent to harm the health, safety, or welfare of the child.

 (D) The penalties provided in this section are in addition to other penalties as provided by law for kidnapping or any other offense, as warranted. The offense of luring a child is not intended to be a lesser included offense of kidnapping or any other offense.

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

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