**South Carolina General Assembly**

126th Session, 2025-2026

**S. 29**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto, Reichenbach, Goldfinch, Leber, Jackson, Alexander, Rice, Fernandez, Campsen, Chaplin, Devine, Adams, Young, Garrett, Elliott, Turner, Ott, Graham, Cromer, Verdin and Kennedy

Companion/Similar bill(s): 3043, 3046

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Introduced in the Senate on January 14, 2025

Introduced in the House on February 19, 2025

Last Amended on February 12, 2025

Currently residing in the House

Summary: MPIC

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Judiciary**

 1/14/2025 Senate Introduced and read first time

 1/14/2025 Senate Referred to Committee on **Judiciary**

 1/15/2025 Scrivener's error corrected

 1/17/2025 Senate Referred to Subcommittee: Adams (ch),
 Reichenbach, Devine, Kennedy, Stubbs

 1/21/2025 Scrivener's error corrected

 2/5/2025 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 47)

 2/6/2025 Scrivener's error corrected

 2/12/2025 Senate Committee Amendment Adopted (Senate Journal‑page 8)

 2/12/2025 Senate Amended (Senate Journal‑page 8)

 2/12/2025 Senate Read second time (Senate Journal‑page 8)

 2/12/2025 Senate Roll call Ayes-40 Nays-0 (Senate Journal‑page 8)

 2/13/2025 Senate Read third time and sent to House (Senate Journal‑page 15)

 2/19/2025 House Introduced and read first time (House Journal‑page 63)

 2/19/2025 House Referred to Committee on **Judiciary** (House Journal‑page 63)

 2/25/2025 Scrivener's error corrected

 4/30/2025 House Committee report: Favorable with amendment **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/29_20241211.docx)

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/29_20250115.docx)

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[04/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/29_20250430.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 30, 2025

S. 29

Introduced by Senators Hutto, Reichenbach, Goldfinch, Leber, Jackson, Alexander, Rice, Fernandez, Campsen, Chaplin, Devine, Adams, Young, Garrett, Elliott, Turner, Ott, Graham, Cromer, Verdin and Kennedy

S. Printed 4/30/25--H.

Read the first time February 19, 2025

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The committee on House Judiciary

To whom was referred a Bill (S. 29) to amend the South Carolina Code of Laws by amending Section 16‑15‑375, relating to the definitions pertaining to the dissemination of harmful material to minors, 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, SECTION 1, Section 16-15-375, by striking the first undesignated paragraph before the first item and inserting:

 The following definitions apply to Section 16‑15‑385, disseminating or exhibiting to minors harmful material or performances; Section 16‑15‑387, employing a person under the age of eighteen years to appear in a state of sexually explicit nudity in a public place; Section 16‑15‑395, first degree sexual exploitation of a minor; Section 16‑15‑405, second degree sexual exploitation of a minor; Section 16‑15‑410, third degree sexual exploitation of a minor; Section 16-15-412, morphed image of an identifiable minor; arrest warrant; Section 16‑15‑415, promoting prostitution of a minor; and Section 16‑15‑425, participating in prostitution of a minor.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

 Section 16-15-412. (A) Any warrant for arrest for an alleged crime or offense under Section 16-15-395, first degree sexual exploitation of a minor; Section 16-15-405, second degree sexual exploitation of a minor; or, Section 16-15-410, third degree sexual exploitation of a minor, that concerns a morphed image of an identifiable minor may only be issued upon:

 (1) a return of a “true bill” of an indictment by the state grand jury, or

 (2) a finding of probable cause following an investigation conducted by the Internet Crimes Against Children Task Force in conjunction with the Attorney General’s office.

 (B) If an arrest warrant is issued under subection (A)(2), the prosecution must be handled by the Attorney General’s office or his designee.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 38‑90‑20(A) of the S.C. Code is amended to read:

 (A) A captive insurance company, when permitted by its articles of incorporation, articles of organization, operating agreement, or charter, may apply to the director for a license to provide any and all insurance, except workers’ compensation insurance written on a direct basis, authorized by this title; including, without limitation, liquor liability insurance; however:

 (1) a pure captive insurance company may not insure any risks other than those of its parent, affiliated companies, controlled unaffiliated business, risks assumed from a risk pool for the purpose of risk sharing, or a combination of them;

 (2) an association captive insurance company may not insure any risks other than those of the member organizations of its association and their affiliated companies;

 (3) an industrial insured captive insurance company may not insure any risks other than those of the industrial insureds that comprise the industrial insured group and their affiliated companies;

 (4) a special purpose captive insurance company may provide insurance or reinsurance, or both, for risks as approved by the director;

 (5) a captive insurance company may not provide personal motor vehicle or homeowner’s insurance coverage written on a direct basis;

 (6) a captive insurance company may not accept or cede reinsurance except as provided in Section 38‑90‑110.

 (7) a captive insurance company may not issue eroding or declining insurance coverage whereby the occurrence or aggregate limits are reduced by costs or expenses arising from the insurance company’s duty to defend a claim.

SECTION X. Section 61‑2‑60 of the S.C. Code is amended by adding:

 (9) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training positions.

SECTION X. Section 61‑2‑145 of the S.C. Code is amended to read:

 Section 61‑2‑145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coveragewith an annual aggregate limit of at least one million dollars during the period of the biennial permit or license, unless the person licensed or permitted to sell alcoholic beverages qualifies under the terms of a liquor liability risk mitigation program pursuant to subsection (E). Failure to maintain this coverage during the period of the biennial permit or license constitutes grounds for suspension or revocation of the permit or license and is sufficient grounds for the department to seek an emergency revocation order as provided in Sections 12‑60‑1340 and 1‑23‑370(c). An insurance policy issued pursuant to this section must provide for minimum coverage of at least fifty percent of the total aggregate limit, per occurrence, given rise to the claim.

 (B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on‑premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on‑premises consumption after five o’clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

 (C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on‑premises consumption after five o’clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement within thirty days of the lapse or termination.

 (D) For the purposes of this section, the term “alcoholic beverages” means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

 (E) A person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, may qualify for liquor liability risk mitigation. A person qualifies if the person and the entity for which the person obtained the license or permit:

 (1) stop serving alcohol by twelve o’clock a.m. A person meeting the requirements of this item may reduce the required annual aggregate limit by one hundred thousand dollars, and an additional one hundred thousand dollars for each hour earlier until six o’clock p.m.;

 (2) complete an alcohol server training course pursuant to Title 61, Chapter 3;

 (3) have less than forty percent of its total sales deriving from alcohol sales; or

 (4) are a nonprofit organization which is exempt from taxation pursuant to Section 501(c) of Title 26 of United States Code, as amended, or the entity is engaging in a single event for which a Beer and Wine Special Event License or Liquor Special Event Permit is obtained.

 (5) A person meeting the requirement of item (2) or (3) may reduce the required annual aggregate limit by one hundred thousand dollars each. An entity meeting the requirements of item (4) may reduce the annual aggregate limit by five hundred thousand dollars. A person complying with any combination of items (1)‑(4) must receive the permitted reduction in the required annual aggregate limit for each item the entity complies with provided a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, must at all times maintain coverage with an annual aggregate limit of at least two hundred fifty thousand dollars during the period of the biennial permit or license.

 (6) Insurers must establish liquor liability mitigation measures and offer premium discounts for compliance therewith that reduce the risk to the general public associated with the service of on‑premises consumption of alcohol.

 (F) For purposes of this section, the calculation of total sales shall include sales of alcohol sold for on-premises consumption and all food and nonalcoholic beverages sold on the premises where the alcohol is sold, including food and nonalcoholic beverages sold by third‑party vendors.

SECTION X. Title 61 of the S.C. Code is amended by adding:

CHAPTER 3

Alcohol Server Training

 Section 61‑3‑100. For the purposes of this chapter, the following definitions apply:

 (1) “Alcohol” means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

 (2) “Alcohol server” means an individual who sells, serves, transfers, or dispenses alcohol for on‑premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. “Alcohol server” does not include an individual employed or volunteering on a temporary basis for a one‑time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and does not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this title; and does not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61‑4‑90(D) and 61‑6‑2200.

 (3) “Alcohol server certificate” means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on‑premises consumption.

 (4) “DAODAS” means the South Carolina Department of Alcohol and Other Drug Abuse Services.

 (5) “Department” means the South Carolina Department of Revenue.

 (6) “Division” means the South Carolina Law Enforcement Division.

 (7) “Employee” means a person who is employed by a permittee or a licensee.

 (8) “Licensee” means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on‑premises consumption.

 (9) “Manager” means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on‑premises consumption at the permitted or licensed premises.

 (10) “Permittee” means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on‑premises consumption.

 (11) “Program” means an alcohol server training and education course and examination approved by the department with input from DAODAS and the division that is administered by authorized providers.

 (12) “Provider” means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

 Section 61‑3‑110. (A) An entity may not qualify for the liquor liability mitigation program pursuant to Section 61‑2‑145(E)(2) unless all employees who are employed as an alcohol server or a manager on permitted or licensed premises obtain, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not consume alcohol or be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol.

 (B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department, the division, or the agents and employees of each. For the purposes of enforcement of the provisions of this chapter, a permittee or licensee must also make available to the department or the division, when requested, the hire date of an alcohol server.

 (C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for sixty calendar days subjects the permittee or licensee to noncompliance with Section 61‑2‑145(E).

 Section 61‑3‑120. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best‑evidence practice standards, offered by providers. A program that has not received approval within sixty days from submission shall be considered denied. A provider may appeal denial pursuant to Section 61‑2‑260 and the South Carolina Administrative Procedures Act.

 (2) A provider must provide alcohol server training programs to all applicable individuals free of charge.

 (B) The curricula of each program must include the following subjects:

 (1) state laws and regulations pertaining to:

 (a) the sale and service of alcoholic beverages;

 (b) the permitting and licensing of sellers of alcoholic beverages;

 (c) impaired driving or driving under the influence of alcohol or drugs;

 (d) liquor liability issues;

 (e) the carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages; and

 (f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages;

 (2) the effect that alcohol has on the body and human behavior including, but not limited to, its effect on an individual’s ability to operate a motor vehicle when intoxicated;

 (3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;

 (4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

 (5) information on recognizing the signs of intoxication and methods for preventing intoxication;

 (6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

 (7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty‑one years of age and intoxicated individuals;

 (8) methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and for handling situations involving individuals who have provided illegal identification;

 (9) South Carolina law enforcement information; and

 (10) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

 (C) The department shall approve only online‑designed training programs that meet each of the following criteria:

 (1) a program must cover the content specified in subsection (B);

 (2) the content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and must be developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible;

 (3) a program shall be offered online;

 (4) online training must be at least four hours, be available in English and Spanish, and include a test;

 (5) online or computer‑based training programs must use linear navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted; be interactive; have audio for content; and include a test;

 (6) training and testing must be conducted online. All tests must be monitored by an online proctor. A passing grade for a test, as provided by the program, is required; and

 (7) training certificates are issued by the provider only after training is complete and a test has been passed successfully.

 Within ten business days after a training is completed, each provider must give to the department a report of all individuals who have successfully completed the training and testing. The provider must also maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

 (D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a provider that the department determines has violated the provisions of this chapter. If a provider’s authorization is suspended or revoked, then that provider must cease operations in this State immediately and refund any money paid to it by individuals enrolled in that provider’s program at the time of the suspension or revocation.

 Section 61‑3‑130. (A) The provider of a program that is authorized by the department must pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars per year, renewable each year. State agency providers are exempt from payment. Each fee shall be deposited into the Responsible Alcohol Server Training Fund to assist with the costs associated with implementation and enforcement of the provisions of this chapter.

 (B) The Responsible Alcohol Server Training Fund is a revolving fund, and no funds deposited therein shall revert to the general fund of the state treasury.

 (C) On or before the second Tuesday of each year, the department, with the assistance of the division, must make a report of all income and expenditures made from the Responsible Alcohol Server Training Fund as of December thirty‑first of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President of the Senate; posted on the websites of the department and the division; and recorded in the journals of each body of the General Assembly at the beginning of each legislative year.

 Section 61‑3‑140. (A)(1) The department must issue an alcohol server certificate to each applicant who completes an approved program or a recertification program and who provides other information as may be required by the department in an application form that is available on the department’s website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary alcohol server certificate, may issue a temporary alcohol server certificate that is valid for a period of no more than thirty calendar days.

 (2) The department, in collaboration with DAODAS and the division, may issue an alcohol server certificate to an individual from outside of the State who applies for an alcohol server certificate if the individual has an alcohol server certificate from a nationally recognized or comparable, state‑recognized alcohol server certification program that the department, DAODAS, and the division find meets or exceeds the programs offered in this State.

 (B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

 (C) An alcohol server certificate is the property of the individual to whom it is issued and is transferrable among employers.

 (D) Alcohol server certificates are valid for a period of five years from the date that the alcohol server certificate was issued. After the five‑year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter.

 (E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

 (F) The department must issue and renew alcohol server certificates for all qualifying applicants free of charge.

 (G) An applicant must be deemed to be a qualifying applicant for the purpose of alcohol server certificate issuance and renewal if they have successfully completed all training and testing requirements as found in Section 61‑3‑120.

 Section 61‑3‑150. As a requirement for application or renewal of a permit or license for on‑premises consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on‑premises consumption seeking to utilize Section 61‑2‑145(E) must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

 Section 61‑3‑160. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61‑2‑260 and the South Carolina Administrative Procedures Act.

SECTION X. Section 61‑6‑2220 of the S.C. Code is amended to read:

 Section 61‑6‑2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article may not knowingly sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions thereof and subject to the penalties contained herein.

SECTION X. Section 15-38-15(F) of the S.C. Code is amended to read:

 (F) This section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional or conduct involving the use, sale, or possession of alcohol or the illegal or illicit use, sale, or possession of drugs.

SECTION X. Section 56-5-2930 (C) and (H) of the S.C. Code is amended to read:

 (C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. If the trier of fact determines that the person convicted under the provisions of this section did any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately caused a collision that occurred while the person was driving in violation of this section, the court may impose an additional sentence of a fine of not more than four hundred dollars or an additional period of imprisonment of not more than thirty days. However, in lieu of the thirty-day imprisonment, the court may provide for forty-eight hours of public service employment. The public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. Notwithstanding the provisions of Sections 23-3-540, 22-3-550, and 14-25-65, this additional sentence may be imposed by the magistrate or municipal court for any offense for which the court would otherwise have jurisdiction.

 (H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services and participate in and complete a DUI victim impact panel operated by an IRS-classified 501(c)(3) nonprofit organization, which may include online victim impact panels. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy‑five dollars. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant has successfully completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

SECTION X. Section 56-5-2933 (C) and (H) of the S.C. Code is amended to read:

 (C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. If the trier of fact determines that the person convicted under the provisions of this section did any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately caused a collision that occurred while the person was driving in violation of this section, the court may impose an additional sentence of a fine of not more than four hundred dollars or an additional period of imprisonment of not more than thirty days. However, in lieu of the thirty-day imprisonment, the court may provide for forty-eight hours of public service employment. The public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. Notwithstanding the provisions of Sections 23-3-540, 22-3-550, and 14-25-65, this additional sentence may be imposed by the magistrate or municipal court for any offense for which the court would otherwise have jurisdiction.

 (H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services and participate and complete a DUI victim impact panel operated by an IRS-classified 501(c)(3) nonprofit organization which may include online victim impact panels. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy‑five dollars. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant successfully has completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

SECTION X. Section 56-5-2945 of the S.C. Code is amended to read:

 Section 56-5-2945. (A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle which act or neglect proximately causes moderate bodily injury to another person is guilty of the offense of felony driving under the influence, second degree, and, upon conviction, must be punished by a mandatory fine of not less than twenty-five hundred dollars nor more than five thousand dollars and imprisoned up to ten years.

 (B) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to another person, is guilty of the offense of felony driving under the influence, first degree, and, upon conviction, must be punished:

 (1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

 (2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty-five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty-five years when death results.

 (C) A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

 (B)(D) As used in this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. As used in this section, “moderate bodily injury” means physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include a one‑time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other injuries that do not ordinarily require extensive medical care.

 (C)(1)(E)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted pursuant to this section. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.

 (2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for:

 (a) three years when great bodily injury results and five years when a death occurs; or

 (b) one year when the conviction was for felony driving under the influence, second degree.

 (D)(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

SECTION X. Section 56-5-2951(I) of the S.C. Code is amended to read:

 (I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

 (a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

 (b) one monththree months for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

 (2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

 (a) for a second offense, nine monthsone year if the person refuses to submit to a test pursuant to Section 56-5-2950, or two six months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

 (b) for a third offense, twelve eighteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three nine months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

 (c) for a fourth or subsequent offense, fifteen monthstwo years if the person refuses to submit to a test pursuant to Section 56-5-2950, or four monthsone year if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

 (3)(a) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

 (b) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

 (c) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

SECTION X. The South Carolina Department of Insurance must publish an annual report summarizing liquor liability insurance rate trends, including the number and amount of premium increases, the reasons cited for the increases, and any regulatory actions taken. The annual report must be sent to the Chairman of the House of Representatives Judiciary Committee and Chairman of the Senate Judiciary Committee by January thirtieth of each year.

Renumber sections to conform.

Amend title to conform.

W. NEWTON for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑15‑375, RELATING TO THE DEFINITIONS PERTAINING TO THE DISSEMINATION OF HARMFUL MATERIAL TO MINORS, SO AS TO DEFINE IDENTIFIABLE MINOR AND MORPHED IMAGE AS AN OFFENSE; BY AMENDING SECTION 16‑15‑395, RELATING TO THE DEFINITION OF FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE MORPHED IMAGES OF IDENTIFIABLE CHILDREN; BY AMENDING SECTION 16‑15‑405, RELATING TO THE DEFINITION OF SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE MORPHED IMAGES OF IDENTIFIABLE CHILDREN; BY AMENDING SECTION 16‑15‑410, RELATING TO THE DEFINITION OF THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE MORPHED IMAGES OF IDENTIFIABLE CHILDREN AS AN OFFENSE; BY AMENDING SECTION 23‑3‑430, RELATING TO SEX OFFENDER REGISTRY, SO AS TO INCLUDE THOSE GUILTY OF CRIMINAL SEXUAL EXPLOITATION OF A MINOR IN THE FIRST, SECOND, OR THIRD DEGREE AS A TIER II OFFENDER; BY AMENDING SECTION 23‑3‑430, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO INCLUDE THOSE GUILTY OF CRIMINAL SEXUAL EXPLOITATION OF A MINOR IN THE FIRST, SECOND, OR THIRD DEGREE AS A TIER II OFFENDER; AND BY AMENDING SECTION 23‑3‑462, RELATING TO TERMINATION OF REGISTRATION REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 16‑15‑375 of the S.C. Code is amended to read:

 Section 16‑15‑375. The following definitions apply to Section 16‑15‑385, disseminating or exhibiting to minors harmful material or performances; Section 16‑15‑387, employing a person under the age of eighteen years to appear in a state of sexually explicit nudity in a public place; Section 16‑15‑395, first degree sexual exploitation of a minor; Section 16‑15‑405, second degree sexual exploitation of a minor; Section 16‑15‑410, third degree sexual exploitation of a minor; Section 16‑15‑415, promoting prostitution of a minor; and Section 16‑15‑425, participating in prostitution of a minor.

 (1) “Harmful to minors” means that quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:

 (a) the average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors in sex; and

 (b) the average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and

 (c) to a reasonable person, the material or performance taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

 (2) “Material” means pictures, drawings, video recordings, films, digital electronic files, computer-generated images or pictures, or other visual depictions or representations but not material consisting entirely of written words.

 (3) “Minor” means an individual who is less than eighteen years old.

 (4) “Prostitution” means engaging or offering to engage in sexual activity with or for another in exchange for anything of value.

 (5) “Sexual activity” includes any of the following acts or simulations thereof:

 (a) masturbation, whether done alone or with another human or animal;

 (b) vaginal, anal, or oral intercourse, whether done with another human or an animal;

 (c) touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female;

 (d) an act or condition that depicts bestiality, sado‑masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed;

 (e) excretory functions;

 (f) the insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.

 (6) “Sexually explicit nudity” means the showing of:

 (a) uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or

 (b) covered human male genitals in a discernibly turgid state.

 (7) “Identifiable minor”

 (a) means a person who:

 (1) was a minor at the time the image was created, adapted, or modified, or whose image as a minor was used in the creating, adapting, or modifying of the image; and

 (2) is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

 (b) shall not be construed to require proof of the actual identity of the identifiable minor.

 (8) “Morphed image” means any visual depiction or representation, including any photograph, film, video, picture, or computer or computer‑generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where such visual depiction or representation has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual conduct or sexually explicit activity or appearing in a state of sexually explicit nudity.

SECTION 2. Section 16‑15‑395 of the S.C. Code is amended to read:

 Section 16‑15‑395. (A) An individual commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he:

 (1) uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

 (2) permits a minor under his custody or control to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

 (3) transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

 (4) records, photographs, films, develops, duplicates, produces, or creates a digital electronic file for sale or pecuniary gain material that contains a visual representation depicting a minor or a morphed image of an identifiable minor engaged in sexual activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

 (B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in a sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

 (C) Mistake of age is not a defense to a prosecution pursuant to this section.

 (D) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not less than three years nor more than twenty years. No part of the minimum sentence of imprisonment may be suspended nor is the individual convicted eligible for parole until he has served the minimum term of imprisonment. Sentences imposed pursuant to this section must run consecutively with and commence at the expiration of another sentence being served by the person sentenced.

 (E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A)(4) is a minor and the offense is the minor’s first offense related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

SECTION 3. Section 16‑15‑405 of the S.C. Code is amended to read:

 Section 16‑15‑405. (A) An individual commits the offense of second degree sexual exploitation of a minor if, knowing the character or content of the material, he:

 (1) records, photographs, films, develops, duplicates, produces, or creates digital electronic file material that contains a visual representation of a minor or a morphed image of an identifiable minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

 (2) distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that contains a visual representation of a minor or a morphed image of an identifiable minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

 (B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

 (C) Mistake of age is not a defense to a prosecution pursuant to this section.

 (D) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than two years nor more than ten years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence.

 (E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A) is a minor and the offense is the minor’s first charge related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

SECTION 4. Section 16‑15‑410 of the S.C. Code is amended to read:

 Section 16‑15‑410. (A) An individual commits the offense of third degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor or a morphed image of an identifiable minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

 (B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor.

 (C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years.

 (D) This section does not apply to an employee of a law enforcement agency, including the State Law Enforcement Division, a prosecuting agency, including the South Carolina Attorney General's Office, or the South Carolina Department of Corrections who, while acting within the employee's official capacity in the course of an investigation or criminal proceeding, is in possession of material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation. The employee’s official capacity in the course of such investigation or criminal proceeding includes making material available for inspection to the defendant’s counsel in response to discovery requests.

 (E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A) is a minor and the offense is the minor’s first charge related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

SECTION 5. Section 23‑3‑430(C)(1) of the S.C. Code is amended to read:

 (C)(1) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier I offender:

 (a) criminal sexual conduct in the third degree (Section 16‑3‑654);

 (b) kidnapping (Section 16‑3‑910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

 (c) incest (Section 16‑15‑20);

 (d) buggery (Section 16‑15‑120);

 (e) peeping, voyeurism, or aggravated voyeurism (Section 16‑17‑470);

 (f) a person, regardless of age, who has been convicted or pled guilty or nolo contendere in this State, or who has been convicted or pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted or pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that, based on the circumstances of the case, the convicted person should register as a sex offender;

 (g) sexual intercourse with a patient or trainee (Section 44‑23‑1150);

 (h) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44‑53‑370(f), except petit larceny or grand larceny;

 (i) any other offense as described in Section 23‑3‑430(D), or;

 (j) any other offense required by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109‑248), the Sex Offender Registration and Notification Act (SORNA).;

 (k) sexual exploitation of a minor, first degree (Section 16‑15‑395), provided the offense is related to a morphed image of an identifiable minor. If the offender is under eighteen years of age and the offense is related to a morphed image of an identifiable minor, then the adjudicated minor is not an offender and is not required to register pursuant to the provisions of this article;

 (l) sexual exploitation of a minor, second degree (Section 16‑15‑405), provided the offense is related to a morphed image of an identifiable minor. If the offender is under eighteen years of age and the offense is related to a morphed image of an identifiable minor, then the adjudicated minor is not an offender and is not required to register pursuant to the provisions of this article; or

 (m) sexual exploitation of a minor, third degree (Section 16‑15‑410); provided the offense is related to a morphed image of an identifiable minor. If the offender is under eighteen years of age and the offense is related to a morphed image of an identifiable minor, then the adjudicated minor is not an offender and is not required to register pursuant to the provisions of this article.

SECTION 6. Section 23‑3‑430(C)(2) of the S.C. Code is amended to read:

 (C)(2) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier II offender:

 (a) criminal sexual conduct in the second degree (Section 16‑3‑653);

 (b) engaging a child for sexual performance (Section 16‑3‑810);

 (c) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

 (d) trafficking in persons (Section 16‑3‑2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

 (e) 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;

 (f) 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;

 (g) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

 (i) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16‑15‑375(5);

 (ii) perform a sexual activity in the presence of the person solicited (Section 16‑15‑342); or

 (h) violations of Article 3, Chapter 15, Title 16 involving a minor.;

 (i) sexual exploitation of a minor, first degree (Section 16‑15‑395), except as otherwise provided in this article;

 (j) sexual exploitation of a minor, second degree (Section 16‑15‑405), except as otherwise provided in this article; or

 (k) sexual exploitation of a minor, third degree (Section 16‑15‑410), except as otherwise provided in this article.

SECTION 7. Section 23‑3‑462(A) of the S.C. Code is amended to read:

 (A) After successful completion of the requirements of this section, an offender may apply to the South Carolina Law Enforcement Division for the termination of the requirements of registration pursuant to this article. If it is determined that the offender has met the requirements of this section, SLED shall remove the offender's name and identifying information from the sex offender registry and shall notify the offender within one hundred twenty days that the offender has been relieved of the registration requirements of this article.

 (1) An offender may file a request for termination of the requirement of registration with SLED, in a form and process established by the agency:

 (a) afterhaving been registered for at least fifteen yearsif the offender was required to register based on an adjudication of delinquency or the offender was required to register as a Tier I offender;

 (b) after having been registered for at least twenty‑five yearsif the offender was convicted as an adult, and was required to register as a Tier II offender;

 (c) an offender who was required to register as an offender because of a conviction in another state or because of a federal conviction may apply to be removed from the requirements of the registry if he is eligible to be removed under the laws of the jurisdiction where the conviction occurred.

 (1) A Tier I offender may file a request for termination of the requirement of registration with SLED in a form and process established by the agency, if the person:

 (a) has been registered for at least fifteen years; or

 (b) has been discharged from incarceration without supervision for at least fifteen years for the charge requiring registration; or

 (c) has had at least fifteen years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration; or

 (d) is a Tier I offender who was required to register as an offender because of a conviction in another state or because of a federal conviction and who is eligible to be removed under the laws of the jurisdiction where the conviction occurred.

 (2) A Tier II offender may file a request for termination of the requirement of registration with SLED in a form and process established by the agency, if the person:

 (a) has been registered for at least twenty-five years;

 (b) has been discharged from incarceration without supervision for at least twenty-five years for the charge requiring registration;

 (c) has had at least twenty-five years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration; or

 (d) is a Tier II offender who was required to register as an offender because of a conviction in another state or because of a federal conviction and who is eligible to be removed under the law of the jurisdiction where the conviction occurred.

 (2)(3) An offender who was convicted as an adult, and who is required to register as a Tier III offender may not file a request for termination of registration with SLED nor shall any such request be granted pursuant to this subsection.

 (3)(4) The requesting offender must have successfully completed all sex offender treatment programs that have been required.

 (4)(5) The requesting offender must not have been convicted of failure to register within the previous ten years.

 (5)(6) The offender must not have been convicted of any additional sexual offense or violent sexual offense after being placed on the registry.

 (6)(7) A filing fee, as set by SLED but not to exceed two hundred fifty dollars, shall be paid to file the request for termination of registration requirements. The initial application may be filed with SLED and the administrative review may begin one hundred twenty days prior to the date specified in subsection (A)(1); however, any removal may not occur prior to the date specified.

SECTION 8. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon approval by the Governor.

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