**South Carolina General Assembly**

126th Session, 2025-2026

**S. 346**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Alexander, Graham and Turner

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Introduced in the Senate on February 13, 2025

Last Amended on April 30, 2025

Currently residing in the Senate

Summary: Assault and battery

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/13/2025 Senate Introduced and read first time (Senate Journal‑page 6)

 2/13/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 6)

 2/18/2025 Scrivener's error corrected

 4/16/2025 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 20)

 4/22/2025 Scrivener's error corrected

 4/30/2025 Senate Committee Amendment Adopted

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**VERSIONS OF THIS BILL**

[02/13/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/346_20250213.docx)

[02/18/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/346_20250218.docx)

[04/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/346_20250416.docx)

[04/22/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/346_20250422.docx)

[04/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/346_20250430.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

April 30, 2025

S. 346

Introduced by Senators Alexander, Graham and Turner

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

Read the first time February 13, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑3‑600, RELATING TO ASSAULT AND BATTERY, SO AS TO PROVIDE THAT A PERSON WHO UNLAWFULLY INJURES A HEALTHCARE PROFESSIONAL DURING THE COURSE OF HIS DUTIES OR INJURES A PERSON IN A HEALTHCARE FACILITY COMMITS THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE, AND TO PROVIDE PENALTIES.

 Amend Title To Conform

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

SECTION 1. Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16-3-605. (A) For purposes of this section:

 (1) “Great bodily injury” means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

 (2) “Healthcare facility” has the same meaning as in Section 44‑7‑130(15) and includes a physician’s office.

 (3) “Healthcare professional” means a physician, a physician's assistant, a registered nurse, a licensed practical nurse, an emergency medical service provider, a firefighter, an emergency room physician, an emergency room nurse, a dentist, or an allied health professional.

 (4) “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 one‑time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

 (5) “Private parts” means the genital area or buttocks of a male or female or the breasts of a female.

 (B)(1) A person commits the offense of assault and battery of a high and aggravated nature against a healthcare professional engaged in the performance of his official duties or assault and battery of a high and aggravated nature in a healthcare facility, if the person unlawfully injures a healthcare professional or unlawfully injures a person in a healthcare facility, and:

 (a) great bodily injury to the other person results; or

 (b) the act is accomplished by means likely to produce death or great bodily injury.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery of a high and aggravated nature against a healthcare professional or the felony offense of assault and battery of a high and aggravated nature in a healthcare facility and, upon conviction, must be imprisoned for not more than thirty years.

 (C)(1) A person commits the offense of assault and battery in the first degree against a healthcare professional engaged in the performance of his official duties or assault and battery in the first degree in a healthcare facility, if the person:

 (a) unlawfully injures a healthcare professional or a person in a healthcare facility, and the act:

 (i) involves nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft; or

 (b) offers or attempts to injure a healthcare professional or a person in a healthcare facility with the present ability to do so, and the act:

 (i) is accomplished by means likely to produce death or great bodily injury; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery in the first degree against a healthcare professional engaged in the performance of his official duties or the felony offense of assault and battery in the first degree in a healthcare facility and, upon conviction, must be imprisoned for not more than twenty years. Assault and battery in the first degree against a healthcare professional or in a healthcare facility are lesser included offenses of assault and battery of a high and aggravated nature against a healthcare professional or in a healthcare facility, as defined in subsection (B)(1).

 (D)(1) A person commits the offense of assault and battery in the second degree against a healthcare professional engaged in the performance of his official duties or assault and battery in the second degree in a healthcare facility if the person unlawfully injures a healthcare professional or a person in a healthcare facility, or offers or attempts to injure a healthcare professional or a person in a healthcare facility with the present ability to do so, and:

 (a) moderate bodily injury to a healthcare professional or a person in a healthcare facility results or moderate bodily injury to a healthcare professional or a person in a healthcare facility could have resulted; or

 (b) the act involves the nonconsensual touching of the private parts of the person, either under or above clothing.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery in the second degree against a healthcare professional engaged in the performance of his official duties or the felony offense of assault and battery in the second degree in a healthcare facility and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than ten years, or both. Assault and battery in the second degree against a healthcare professional or in a healthcare facility are lesser included offenses of assault and battery in the first degree against a healthcare professional or in a healthcare facility, as defined in subsection (C)(1), and assault and battery of a high and aggravated nature against a healthcare professional or in a healthcare facility, as defined in subsection (B)(1).

 (E)(1) A person commits the offense of assault and battery in the third degree against a healthcare professional engaged in the performance of his official duties or assault and battery in the third degree in a healthcare facility if the person unlawfully injures a healthcare professional or a person in a healthcare facility, or offers or attempts to injure a healthcare professional or another person in a healthcare facility with the present ability to do so.

 (2) A person who violates this subsection is guilty of the misdemeanor offense of assault and battery in the third degree against a healthcare professional engaged in the performance of his official duties or misdemeanor offense of assault and battery in the third degree in a healthcare facility and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both. Assault and battery in the third degree against a healthcare professional or in a healthcare facility are lesser included offenses of assault and battery in the second degree against a healthcare professional or in a healthcare facility, as defined in subsection (D)(1); assault and battery in the first degree against a healthcare professional or in a healthcare facility, as defined in subsection (C)(1); and assault and battery of a high and aggravated nature against a healthcare professional or in a healthcare facility, as defined in subsection (B)(1).

SECTION 2. Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16-3-608. (A) For purposes of this section:

 (1) “Great bodily injury” means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

 (2) “Correctional facility employee” means a certified law enforcement officer employed by a state or local detention or correctional facility.

 (3) “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 one‑time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

 (4) “Private parts” means the genital area or buttocks of a male or female or the breasts of a female.

 (B)(1) A person commits the offense of assault and battery of a high and aggravated nature against a correctional facility employee if the person unlawfully injures the correctional facility employee, and:

 (a) great bodily injury to the other person results; or

 (b) the act is accomplished by means likely to produce death or great bodily injury.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery of a high and aggravated nature against a correctional facility employee and, upon conviction, must be imprisoned for not more than thirty years.

 (C)(1) A person commits the offense of assault and battery in the first degree against a correctional facility employee if the person:

 (a) unlawfully injures the correctional facility employee, and the act:

 (i) involves nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft; or

 (b) offers or attempts to injure a correctional facility employee, and the act:

 (i) is accomplished by means likely to produce death or great bodily injury; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery in the first degree against a correctional facility employee and, upon conviction, must be imprisoned for not more than twenty years. Assault and battery in the first degree against a correctional facility employee is a lesser included offense of assault and battery of a high and aggravated nature against a correctional facility employee, as defined in subsection (B)(1).

 (D)(1) A person commits the offense of assault and battery in the second degree against a correctional facility employee if the person unlawfully injures a correctional facility employee, or offers or attempts to injure a correctional facility employee with the present ability to do so, and:

 (a) moderate bodily injury to a correctional facility employee could have resulted; or

 (b) the act involves the nonconsensual touching of the private parts of the person, either under or above clothing.

 (2) A person who violates this subsection is guilty of the felony offense of assault and battery in the second degree against a correctional facility employee and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than ten years, or both. Assault and battery in the second degree against a correctional facility employee is a lesser included offense of assault and battery in the first degree against a correctional facility employee, as defined in subsection (C)(1), and assault and battery of a high and aggravated nature against a correctional facility employee, as defined in subsection (B)(1).

 (E)(1) A person commits the offense of assault and battery in the third degree against a correctional facility employee if the person unlawfully injures a correctional facility employee or offers or attempts to injure a correctional facility employee with the present ability to do so.

 (2) A person who violates this subsection is guilty of the misdemeanor offense of assault and battery in the third degree against a correctional facility employee and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both. Assault and battery in the third degree against a correctional facility employee is a lesser included offense of assault and battery in the second degree against a correctional facility employee, as defined in subsection (D)(1); assault and battery in the first degree against a correctional facility employee, as defined in subsection (C)(1); and assault and battery of a high and aggravated nature against a correctional facility employee, as defined in subsection (B)(1).

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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