**South Carolina General Assembly**

126th Session, 2025-2026

**S. 76**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Grooms, Young and Goldfinch

Companion/Similar bill(s): 85, 3520

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Introduced in the Senate on January 14, 2025

Currently residing in the Senate

Summary: Criminal Gang and Anti-Racketeering

**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 ([Senate Journal‑page 61](h:\sj\20250114.docx))

1/14/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 61](h:\sj\20250114.docx))

1/17/2025 Scrivener's error corrected

3/26/2025 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 13](h:\sj\20250326.docx))

3/28/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/76_20241211.docx)

[01/17/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/76_20250117.docx)

[03/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/76_20250326.docx)

[03/28/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/76_20250328.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 26, 2025

S. 76

Introduced by Senators Hembree, Grooms and Young

S. Printed 3/26/25--S. [SEC 3/28/2025 3:08 PM]

Read the first time January 14, 2025

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The committee on Senate Judiciary

To whom was referred a Bill (S. 76) to amend the South Carolina Code of Laws by amending Section 16-8-230, relating to definitions, so as to provide appropriate definitions; by amending Section 16-8-240,, 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, by striking Section 16-8-230(2)(l) and inserting:

(l) organized retail theftcrime as defined in Section 16-13-135;

Amend the bill further, SECTION 6, by striking Section 16-8-520(3)(B)(t) and inserting:

(t) Sections 16-13-105 through 16-13-135, relating to shoplifting and organized retail theftcrime;

Amend the bill further, SECTION 6, by striking Section 16-8-520(3)(B)(uu), (vv), (ww), (xx), (yy), (zz), (aaa), (bbb), and (ccc) and inserting:

(uu) any conduct defined as "racketeering activity" under 18 U.S.C. Section 1961 (1)(A), (B), (C), and (D);

(vv) 31 U.S.C. Sections 5311 through 5330, relating to records and reports of currency transactions;

(ww)(uu) Section 38-55-170, relating to presenting false insurance claims for payment;

(xx)(vv) Article 5, Chapter 55, Title 38, relating to violations of the Omnibus Insurance Fraud and Reporting Immunity Act;

(yy)(ww) Chapter 36, Title 34, relating to violations in relation to loan brokers;

(zz)(xx) Chapter 23, Title 37, relating to violations of the South Carolina High Cost and Consumer Home Loans Act;

(aaa)(yy) Chapter 13, Title 8, relating to ethics, government accountability, and campaign reform;

(bbb)(zz) Chapter 11, Title 35, relating to violations of the South Carolina Anti Money Laundering Act; or

(ccc)(aaa) Chapter 17, Title 2, relating to lobbyists and lobbying.

"Racketeering activity" also shall mean any conduct defined as "racketeering activity" under federal law, including 18 U.S.C. Section 1961 (1), any violation of 18 U.S.C. Section 1028, or any violation of 31 U.S.C. Sections 5311 through 5330.

Amend the bill further, SECTION 12, by striking Section 14-7-1630(A)(12) and inserting:

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental ControlServices. If the knowing and wilful crime is a violation of federal law, a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section;

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-8-230, RELATING TO DEFINITIONS, SO AS TO PROVIDE APPROPRIATE DEFINITIONS; BY AMENDING SECTION 16-8-240, RELATING TO USE OF OR THREAT OF PHYSICAL VIOLENCE BY CRIMINAL GANG MEMBERS AND PENALTIES, SO AS TO ESTABLISH UNLAWFUL CRIMINAL GANG ACTIVITY; BY ADDING SECTION 16-8-245 SO AS TO PROVIDE ADMISSIBILITY OF CRIMINAL GANG AND CRIMINAL GANG ACTIVITY EVIDENCE DURING A TRIAL OR PROCEEDING; BY AMENDING SECTION 16-8-250, RELATING TO PREVENTING WITNESSES OR VICTIMS FROM TESTIFYING AND PENALTIES, SO AS TO PROVIDE A MECHANISM TO ABATE A PUBLIC NUISANCE OF REAL PROPERTY USED BY A CRIMINAL GANG; BY ADDING SECTION 16-8-275 SO AS TO PROVIDE ADMISSIBILITY IN A CRIMINAL PROCEEDING OF THE ACCUSED'S COMMISSION OF CRIMINAL GANG ACTIVITY; BY ADDING SECTION 16-8-520 SO AS TO PROVIDE APPROPRIATE DEFINITIONS FOR THE ANTI-RACKETEERING ACT; BY ADDING SECTION 16-8-530 SO AS TO MAKE IT UNLAWFUL FOR ANY PERSON TO ENGAGE IN RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-540 SO AS TO PROVIDE CRIMINAL PENALTIES FOR ENGAGING IN RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-550 SO AS TO PROVIDE THAT THE CIRCUIT COURT MAY ENJOIN VIOLATIONS OF THE ANTI-RACKETEERING ACT BY ISSUING APPROPRIATE ORDERS; BY ADDING SECTION 16-8-560 SO AS TO ESTABLISH JURISDICTION FOR RACKETEERING ACTIVITY; BY ADDING SECTION 16-8-570 SO AS TO PROVIDE PROTECTION FROM DISCLOSURE OF INFORMANTS; AND BY AMENDING SECTION 14-7-1630, RELATING TO JURISDICTION OF JURIES, NOTIFICATION TO IMPANEL JURIES, POWERS AND DUTIES OF IMPANELING AND PRESIDING JUDGES, THE TRANSFER OF INCOMPLETE INVESTIGATIONS, EFFECTIVE DATES AND NOTICE REQUIREMENTS WITH RESPECT TO ORDERS OF JUDGE, AND APPEALS, SO AS TO ADD THE CRIME OF RACKETEERING TO THE JURISDICTION OF THE STATE GRAND JURY.

Amend Title To Conform

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

SECTION 1. Section 16-8-230 of the S.C. Code is amended to read:

Section 16-8-230. As used in this article:

(1) “Contraband” means any real or personal property, including money, that is owned by, in the possession of, or subject to the control of a criminal gang member and which is acquired by, derived from, or traceable to criminal gang activity.

(2) “Criminal gang” means a formal or informal ongoing organization, association, or group that consists of five or more persons who form for the purpose of committing criminal activity and who knowingly and actively participate in a pattern of criminal gang activity.

(3) “Criminal gang member” means an individual who is an active member of a criminal gang.

(4) “Pattern of criminal gang activity” means the commission or attempted commission of, commission as an accessory before or after the fact to, or solicitation or conspiracy to commit, by a criminal gang member, while knowingly and actively participating in criminal gang activity, four or more of the following offenses occurring within a two-year period, provided that at least three of these offenses occurred after July 1, 2007:

(a) a violent offense as defined in Section 16-1-60 committed as a part of criminal gang activity;

(b) financial transaction card crimes as defined in Chapter 14 of Title 16 committed as a part of criminal gang activity;

(c) first degree lynching as defined in Section 16-3-210 committed as a part of criminal gang activity;

(d) second degree lynching as defined in Section 16-3-220 committed as a part of criminal gang activity;

(e) breaking into a motor vehicle as defined in Section 16-13-160 committed as a part of criminal gang activity;

(f) grand larceny as defined in Section 16-13-30 committed as a part of criminal gang activity;

(g) blackmail as defined in Section 16-17-640 committed as a part of criminal gang activity;

(h) malicious injury to property as defined in Sections 16-11-510, 16-11-520, 16-11-530, and 16-11-535 committed as a part of criminal gang activity;

(i) drug offense as defined in Sections 44-53-370 and 44-53-375 committed as a part of criminal gang activity;

(j) harassment, stalking, or aggravated stalking as defined in Article 17, Chapter 3 of Title 16 committed as a part of criminal gang activity;

(k) pointing a firearm at any person as defined in Section 16-23-410 committed as a part of criminal gang activity;

(l) discharging a firearm at or into dwellings, structures, enclosures, vehicles, or equipment as defined in Section 16-23-440 committed as a part of criminal gang activity;

(m) the common law offense of assault and battery of a high and aggravated nature committed as a part of criminal gang activity; or

(n) the common law offense of obstruction of justice committed as a part of criminal gang activity.

(5) “Gang-related incident” means an incident that, upon investigation, meets any of the following conditions:

(a) the participants are identified as criminal gang members acting collectively to further a criminal purpose of the criminal gang;

(b) a reliable informant identifies an incident as criminal gang activity based upon first-hand knowledge or personal observation; or

(c) a person other than a reliable informant provides information that identifies an incident as criminal gang activity, and it is corroborated by independent information

(2) "Criminal gang activity" means any act to commit or attempt to commit, to aid or conspire to commit, or to solicit, coerce, or intimidate another person to commit or attempt to commit, to aid or to conspire to commit a crime that is chargeable by indictment, in this State, any other state or federal jurisdiction any of the following offenses:

(a) financial transaction card crimes as defined in Chapter 14, Title 16;

(b) assault or battery crimes as defined in Chapter 3, Title 16;

(c) breaking into a motor vehicle as defined in Section 16-13-160;

(d) grand larceny as defined in Chapter 13, Title 16;

(e) blackmail as defined in Section 16-17-640;

(f) common law extortion;

(g) malicious injury to property as defined in Sections 16-11-510, 16-11-520, 16-11-530, and 16-11-535;

(h) drug offense as defined in Title 44 and punishable by imprisonment for more than one year;

(i) harassment, stalking, or aggravated stalking as defined in Article 17, Chapter 3, Title 16;

(j) any offense relating to financial identity fraud or theft or identity fraud or theft as defined in Article 2, Chapter 13, Title 16 and Section 16-11-725;

(k) a violation of the Computer Crime Act as defined in Chapter 16, Title 16;

(l) retail theft as defined in Section 16-13-135;

(m) common law obstruction of justice;

(n) any offense that carries a potential penalty of five years or more imprisonment;

(o) any offense relating to escape and other offenses related to confinement;

(p) any offense relating to the security of state or county correctional facilities;

(q) any offense of criminal trespass or criminal damage to property resulting from any act of gang- related painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another;

(r) any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this State, would be considered criminal gang activity pursuant to this section; and

(s) any criminal offense in this State, any other state, or the United States that involves violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed.

(3) "Criminal gang" means any formal or informal organization, association, group that consists of three or more persons that has as one of its primary purposes the commission of one or more of the offenses listed in item (1) above. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics including, but not limited to, common activities, customs, or behaviors.

SECTION 2. Section 16-8-240 of the S.C. Code is amended to read:

Section 16-8-240. (A) It is unlawful for a criminal gang member to use or threaten to use physical violence against another person with the intent to coerce, induce, or solicit that person or another person to actively participate in criminal gang activity, or to prevent another criminal gang member from withdrawing from or leaving a criminal gang. A criminal gang member who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars or imprisoned not more than two years, or both. A criminal gang member convicted for a second or subsequent offense pursuant to this subsection is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A criminal gang member who uses a firearm, any other deadly weapon, or physical violence to coerce, induce, or solicit another person to actively participate in a criminal gang, or to prevent another criminal gang member from withdrawing or leaving a criminal gang, in addition to the punishment prescribed in subsection (A), may be punished by an additional fine of not more than ten thousand dollars or by imprisonment for an additional period of not more than ten years, or both.

(C) If the person solicited, recruited, coerced, or threatened in violation of this section is under the age of eighteen, an additional term of three years may be imposed in addition and consecutive to the penalty prescribed for a violation of this section.

(D) A person who has been coerced, intimidated, threatened, or injured in violation of this section has a civil cause of action against a criminal gang or criminal gang member violating this section for treble the amount of the actual damages, for punitive damages, an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney's fees and costs from the criminal gang or criminal gang member.

(E) Nothing in this section limits prosecution under any other provision of law.It is unlawful for a person associated with a criminal gang to conduct or participate in criminal gang activity.

(B) It is unlawful for a person to cause, encourage, solicit, recruit, or coerce another to become a member or associate of a criminal gang, to participate in a criminal gang, or to conduct or participate in criminal gang activity.

(C) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to deter such person from assisting a member or associate of a criminal gang to withdraw from a criminal gang.

(D) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for having withdrawn from a criminal gang.

(E) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for refusing to or encouraging another to refuse to become or obtain the status of a member or associate of a criminal gang.

(F) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for providing statements or testimony against criminal gangs or any criminal gang member or associate.

(G) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to intimidate, deter, or prevent a person from communicating or providing testimony to a law enforcement or corrections officer, prosecuting attorney, or judge information relating to criminal gangs, criminal gang members or associates, or criminal gang activity.

(H)(1) A person who violates the provisions of subsection (A) or (B) is guilty of a felony and, upon conviction, in addition to any other penalty provided by law, must be imprisoned for not less than five years but not more than twenty years which must be served consecutively to any other sentence imposed. Restitution also must be ordered as a condition of any sentence imposed. To be subject to the penalty under this subsection it must be shown one participated in a criminal gang activity to promote or further the gang’s felonious activities or maintain or increase his position in the gang, or he has been convicted or adjudicated delinquent within the past five years for an offense listed in Section 16-8-230(1) while being in a criminal gang.

(2) A person who violates the provisions of subsection (C), (D), (E), (F), or (G) is guilty of a felony and, upon conviction, in addition to any other penalty provided by law, must be fined not less than ten thousand dollars nor more than fifteen thousand dollars and imprisoned not less than five years but no more than twenty years, or both. Restitution also must be ordered as a condition of any sentence imposed.

(3) A person who violates the provisions of this section through the solicitation, recruitment, coercion, or threat of a person under the age of eighteen may be imprisoned for an additional term of three years which must be served consecutively to any other sentence imposed.

(I) In addition to any other penalty provided in this section, all sentences imposed pursuant to this section require as a special condition of the sentence that the person sentenced may not knowingly have contact of any kind or character with any other member or associate of a criminal gang, may not participate in any criminal gang activity and, in cases involving a victim, may not knowingly have contact of any kind or character with any such victim or any member of the victim's family or household. This special condition of the sentence does not apply to prisoners or inmates in the custody of the Department of Corrections or local jails or a child in the custody of the Department of Juvenile Justice or local jail.

(J) Any offense committed in violation of this article must be indicted and considered a separate offense.

(K) When two or more defendants are jointly charged with any criminal gang activity offense, whether felony or misdemeanor, they must be tried jointly unless the court orders separate trials. Severance may not be granted as a matter of law when codefendants present mutually antagonistic defenses, but must be granted, in the court's exercise of discretion, only when there is a serious risk that a joint trial would compromise a specific trial right of a codefendant or prevent the jury from making a reliable judgment about a codefendant's guilt. The trial court shall provide appropriate cautionary instructions to the jury to protect the individual rights of each codefendant and ensure that no prejudice results from a joint trial. In ordering separate trials, the court in its discretion may order a separate trial as to one or more defendants, and a joint trial as to the others, or may order any number of the defendants to be tried at one trial, and any number of the others at different trials, or may order a separate trial for each defendant; provided, that when two or more persons can be jointly tried, the fact that separate accusatory pleadings were filed does not prevent their joint trial.

(L) Nothing in this section limits prosecution under any other provision of law.

SECTION 3. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-245. (A) For the purpose of proving the existence of a criminal gang and criminal gang activity, the adjudication or conviction by any plea or trial of a criminal gang activity offense enumerated in Section 16-8-230 by any member or associate of a criminal gang is admissible in any trial or proceeding. The pendency of an appeal may be shown but does not affect admissibility.

(B) A defendant's conviction of any offense contained in this article is admissible in any subsequent action or proceeding relating to additional offenses contained in this article.

SECTION 4. Section 16-8-250 of the S.C. Code is amended to read:

Section 16-8-250.

(A) It is unlawful for a criminal gang member by threat or force to:

(1) prevent a witness or victim from attending or giving testimony at a trial, proceeding, or inquiry authorized by law that concerns or relates to any criminal activity; or

(2) attempt to prevent a witness or victim from attending or giving testimony at a trial, proceeding, or inquiry authorized by law that concerns or relates to any criminal activity.

(B) A criminal gang member who violates a provision of this section is guilty of a felony and, upon conviction, must be punished by a fine of not more than ten thousand dollars or imprisoned for not more than ten years, or both.

(A) Any real property which is erected, established, maintained, owned, leased, or used by a criminal gang for the purpose of conducting criminal gang activity constitutes a public nuisance and may be abated pursuant to Chapter 43, Title 15.

(B) An action to abate a nuisance pursuant to this section may be brought by the Attorney General or circuit solicitor in the appropriate state or municipal court.

(C) The State, political subdivision, or any person aggrieved by a criminal gang or criminal gang activity may bring an action to enjoin a violation of this article.

(C)(D) A person who has been coerced, intimidated, threatened, or injured in violation of this section has a civil cause of action against a criminal gang or criminal gang member violating this section for treble the amount of his actual damages, for punitive damages, an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney's fees and costs from the criminal gang or criminal gang member.

(D) Nothing in this section limits prosecution under any other provision of law.

SECTION 5. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-275. (A) In a criminal proceeding in which a person is accused of conducting or participating in criminal gang activity enumerated in Section 16-8-230, relevant evidence of the accused's commission of criminal gang activity is admissible.

(B)This section is not the exclusive means to admit or consider evidence described in this section.

SECTION 6. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Article 5

Anti-Racketeering Act

Section 16-8-520. As used in this article, the term:

(1) "Enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

(2) "Pattern of racketeering activity" means engaging in a pattern of racketeering activity and at least two acts of racketeering activity occur within a five-year period excluding any periods of imprisonment or engaging in any one or more acts of domestic terrorism as described in Sections 16-23-710(18) and 16-23-715 or a criminal attempt, criminal solicitation, or criminal conspiracy related to domestic terrorism.

(3) "Racketeering activity" means illegal activity conducted for monetary gain. Illegal activity includes (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, theft, receipt of stolen property, bribery, extortion, obstruction of justice, dealing in obscene matter, or dealing in a controlled substance or other drug which is chargeable under state law and punishable by imprisonment for more than one year;

(B) any act to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit a crime that is chargeable by indictment under any of the following laws of this State:

(a) Article 3, Chapter 53, Title 44, relating to narcotics and controlled substances;

(b) Section 16-11-617, relating to marijuana;

(c) Article 1, Chapter 3, Title 16, and the common law relating to homicide;

(d) Article 3, Chapter 3, Title 16, relating to assault and battery by mob;

(e) Article 5, Chapter 3, Title 16, relating to dueling;

(f) Article 7, Chapter 3, Title 16, relating to assault and criminal sexual conduct;

(g) Article 8, Chapter 3, Title 16, relating to sexual performance by children;

(h) Article 9, Chapter 3, Title 16, relating to kidnapping;

(i) Section 16-3-1040, relating to threatening the life, person, or family of a public official or public employee;

(j) Section 16-3-1045, relating to the use or employment of a person under eighteen to commit certain crimes;

(k) Section 16-3-1083, relating to the death or injury of a child in utero due to the commission of a violent crime;

(l) Article 17, Chapter 3, Title 16, relating to harassment and stalking;

(m) Article 19, Chapter 3, Title 16, relating to trafficking in persons;

(n) Article 3, Chapter 11, Title 16, relating to arson and other offenses involving fire;

(o) Article 5, Chapter 11, Title 16, relating to burglary, housebreaking, robbery, and the like;

(p) Article 9, Chapter 11, Title 16, relating to bootleg and counterfeit records, tapes, and recordings;

(q) Section 16-13-10, relating to forgery;

(r) Section 16-13-30, relating to petit and grand larceny;

(s) Section 16-13-40, relating to the stealing of bonds and the like;

(t) Sections 16-13-105 through 16-13-135, relating to shoplifting and retail theft;

(u) Section 16-13-70, relating to the stealing of vessels and equipment;

(v) Section 16-13-170, relating to entering a house or vessel, without breaking, with the intent to steal or commit another crime;

(w) Section 16-13-180, relating to receiving stolen goods, chattels, or other property;

(x) Sections 16-13-210, relating to the embezzlement of public funds;

(y) Section 16-13-230, relating to breach of trust with fraudulent intent;

(z) Section 16-13-240, relating to obtaining a signature or property by false pretense;

(aa) Section 16-13-260, relating to obtaining property under false tokens or letters;

(bb) Section 16-13-290, relating to securing property by the fraudulent impersonation of an officer;

(cc) Section 16-13-320, relating to swindling;

(dd) Section 16-13-385, relating to altering, tampering with, or bypassing electric, gas, or water meters;

(ee) Section 16-13-400, relating to avoiding or attempting to avoid the payment of telecommunications services;

(ff) Section 16-13-430, relating to the fraudulent acquisition or use of food stamps;

(gg) Sections 16-13-450, 16-13-451, and 16-13-480, relating to false identification documents;

(hh) Sections 16-15-90 through 16-15-110, relating to prostitution;

(ii) Article 3, Chapter 15, Title 16, relating to obscenity, material harmful to minors, child exploitation, and child prostitution;

(jj) Article 3, Chapter 9, Title 16, relating to bribery, the corruption of jurors, and the like;

(kk) Sections 16-9-340, 16-9-350, and 16-9-370, relating to the influencing of court officials, jurors, or witnesses;

(ll) Section 16-9-460, relating to unlawful entry into the United States and furthering illegal entry by or avoidance of detection of an undocumented alien;

(mm) Article 1, Chapter 9, Title 16, relating to perjury;

(nn) Chapter 19, Title 16, relating to gambling and lotteries;

(oo) Article 13, Chapter 6, Title 61, relating to unlawful manufacture, possession, and sales of alcohol;

(pp) Chapter 23, Title 16, relating to offenses involving weapons;

(qq) Chapter 1, Title 35, relating to violations of the South Carolina Uniform Securities Act of 2005;

(rr) Chapter 14, Title 16, relating to violations of the Financial Transaction Card Crime Act;

(ss) Chapter 29, Title 56, relating to violations of the Motor Vehicle Chop Shop, Stolen, and Altered Property Act;

(tt) Chapter 16, Title 16, relating to violations of the Computer Crime Act;

(uu) any conduct defined as "racketeering activity" under 18 U.S.C. Section 1961 (1)(A), (B), (C), and (D);

(vv) 31 U.S.C. Sections 5311 through 5330, relating to records and reports of currency transactions;

(ww) Section 38-55-170, relating to presenting false insurance claims for payment;

(xx) Article 5, Chapter 55, Title 38, relating to violations of the Omnibus Insurance Fraud and Reporting Immunity Act;

(yy) Chapter 36, Title 34, relating to violations in relation to loan brokers;

(zz) Chapter 23, Title 37, relating to violations of the South Carolina High Cost and Consumer Home Loans Act;

(aaa) Chapter 13, Title 8, relating to ethics, government accountability, and campaign reform;

(bbb) Chapter 11, Title 35, relating to violations of the South Carolina Anti Money Laundering Act; or

(ccc) Chapter 17, Title 2, relating to lobbyists and lobbying.

"Racketeering activity" also shall mean any conduct defined as "racketeering activity" under federal law, including 18 U.S.C. Section 1961 (1), any violation of 18 U.S.C. Section 1028, or any violation of 31 U.S.C. Sections 5311 through 5330.

SECTION 7. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-530. It is unlawful for any person to conspire, endeavor, or engage in the affairs of an enterprise through a pattern of racketeering activity or invest income derived from racketeering activities.

SECTION 8. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-540. (A) Any person convicted of the offense of engaging in activity in violation of Section 16-8-530 is guilty of a felony and, upon conviction:

(1) for a first offense, must be fined as provided in subsection (B) or imprisoned not less than five nor more than twenty years, no part of which may be suspended nor probation granted, or both; and

(2) for a second or subsequent offense, must be fined as provided in subsection (B) or imprisoned not less than ten nor more than twenty years, no part of which may be suspended nor probation granted, or both.

(B) Any person convicted of the offense of engaging in conduct in violation of Section 16-8-530 may be sentenced to pay a fine that does not exceed the greater of twenty-five thousand dollars or three times the amount of any pecuniary value gained from the violation.

(C) The court shall hold a hearing to determine the amount of the fine authorized by subsection (B).

(D) For the purposes of subsection (B), the term "pecuniary value" means:

(1) anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else, the primary significance of which is economic advantage; and

(2) any other property or service that has a value more than one hundred dollars.

SECTION 9. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-550. (A) The circuit court, after making due provisions for the rights of innocent persons, may enjoin violations of Section 16-80-530 by issuing appropriate orders and judgments including, but not limited to:

(1) ordering any defendant to divest himself of any interest in any enterprise, real property, or personal property;

(2) imposing reasonable restrictions upon the future activities or investments of any defendant including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of Section 16-8-530;

(3) ordering the dissolution or reorganization of any enterprise; or

(4) ordering the suspension or revocation of any license, permit, or prior approval granted to any enterprise by any agency or subdivision of the State.

(B) Any aggrieved person or the State may institute a civil action under subsection (A). In such civil action, relief must be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, provided that no showing of special or irreparable damage to the person has to be made. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.

(C) A person who is injured by reason of a violation of Section 16-8-530 has a cause of action for three times the actual damages sustained and, when appropriate, punitive damages. Such person also shall recover attorney's fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred. The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this section.

(D) An injured person has a right or claim to forfeited property or to the proceeds superior to any right or claim the state or local government has in the same property or proceeds other than for costs incurred by the State in any civil or criminal investigation or prosecution related to the racketeering activity for which the property was intended for use, used, or derived. To enforce such a claim, the injured person must intervene in the civil forfeiture proceeding prior to the entry of a final judgment.

(E) A conviction in any criminal proceeding estops the defendant in any subsequent civil action or civil forfeiture proceeding under this article as to all matters proved in the criminal proceeding.

SECTION 10. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-560. In any criminal proceeding, the crime will be considered to have been committed in any county in which an incident of racketeering activity has occurred or in which an interest or control of an enterprise or real or personal property is acquired or maintained.

SECTION 11. Chapter 8, Title 16 of the S.C. Code is amended by adding:

Section 16-8-570. In all civil actions brought under the provisions of this article, the identity of an informant, identifying information relating to an informant, and all matters exempt from disclosure under Chapter 4, Title 30, the Freedom of Information Act, are exempt from discovery or disclosure under the rules of civil procedure.

SECTION 12. Section 14-7-1630(A) of the S.C. Code is amended to read:

(A) The jurisdiction of a state grand jury impaneled pursuant to this article extends throughout the State. The subject matter jurisdiction of a state grand jury in all cases is limited to the following offenses:

(1) a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances, including, but not limited to, money laundering as specified in Section 44-53-475, obstruction of justice, perjury or subornation of perjury, or any attempt, aiding, abetting, solicitation, or conspiracy to commit one of the aforementioned crimes, if the crime is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State;

(2) a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to Article 3, Chapter 8, Title 16 or a crime involving racketeering activity pursuant to Article 5, Chapter 8, Title 16;

(3) a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615, a crime, statutory, common law or other, arising out of or in connection with a crime involving public corruption as defined in Section 14-7-1615, and any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615;

(4) a crime involving the election laws, including, but not limited to, those named offenses specified in Title 7, or a common law crime involving the election laws if not superseded, or a crime arising out of or in connection with the election laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws;

(5) a crime involving computer crimes, pursuant to Chapter 16, Title 16, or a conspiracy or solicitation to commit a crime involving computer crimes;

(6) a crime involving terrorism, or a conspiracy or solicitation to commit a crime involving terrorism. Terrorism includes an activity that:

(a) involves an act dangerous to human life that is a violation of the criminal laws of this State;

(b) appears to be intended to:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or

(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(c) occurs primarily within the territorial jurisdiction of this State;

(7) a crime involving a violation of Chapter 1, Title 35 of the Uniform Securities Act, or a crime related to securities fraud or a violation of the securities laws;

(8) a crime involving obscenity, including, but not limited to, a crime as provided in Article 3, Chapter 15, Title 16, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving obscenity;

(9) a crime involving the knowing and wilful making of, aiding and abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in an affidavit regarding an alien's lawful presence in the United States, as defined by law, if the number of violations exceeds twenty or if the public benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;

(10) a crime involving financial identity fraud or identity fraud involving the false, fictitious, or fraudulent creation or use of documents used in an immigration matter as defined in Section 16-13-525, if the number of violations exceeds twenty, or if the value of the ascertainable loss of money or property suffered by a person or persons from a violation or combination of violations exceeds twenty thousand dollars;

(11) a crime involving the knowing and wilful making of, aiding or abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in a document prepared or executed as part of the provision of immigration assistance services in an immigration matter, as defined by law, if the number of violations exceeds twenty, or if a benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental Control. If the knowing and wilful crime is a violation of federal law, a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section;

(13) a crime involving or relating to the offense of trafficking in persons, as defined in Section 16-3-2020, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county; and

(14) a crime involving a violation of the South Carolina Anti-Money Laundering Act as set forth in Chapter 11, Title 35, or a crime related to a violation of the Anti-Money Laundering Act.

SECTION 13. 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 14. 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 15. This act takes effect upon approval by the Governor.

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