**South Carolina General Assembly**

120th Session, 2013-2014

**A99, R122, H3717**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Quinn, Bannister, Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick, Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard, M.S. McLeod, Whipper and R.L. Brown

Document Path: l:\council\bills\ms\7120ahb13.docx

Introduced in the House on February 28, 2013

Introduced in the Senate on June 4, 2013

Last Amended on June 18, 2013

Passed by the General Assembly on June 18, 2013

Governor's Action: June 20, 2013, Signed

Summary: Harassment and stalking

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/28/2013 House Introduced and read first time ([House Journal‑page 30](file:///h%3A%5CHJ%20Archive%5C2013%5C02-28-13.docx))

 2/28/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 30](file:///h%3A%5CHJ%20Archive%5C2013%5C02-28-13.docx))

 3/6/2013 House Member(s) request name added as sponsor: Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick

 3/11/2013 House Member(s) request name added as sponsor: Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard, M.S.McLeod

 5/29/2013 House Recalled from Committee on **Judiciary** ([House Journal‑page 34](file:///h%3A%5CHJ%20Archive%5C2013%5C05-29-13.docx))

 5/30/2013 House Member(s) request name added as sponsor: Whipper, R.L.Brown

 5/30/2013 House Amended ([House Journal‑page 70](file:///h%3A%5CHJ%20Archive%5C2013%5C05-30-13.docx))

 5/30/2013 House Read second time ([House Journal‑page 70](file:///h%3A%5CHJ%20Archive%5C2013%5C05-30-13.docx))

 5/30/2013 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 71](file:///h%3A%5CHJ%20Archive%5C2013%5C05-30-13.docx))

 5/30/2013 House Unanimous consent for third reading on next legislative day ([House Journal‑page 72](file:///h%3A%5CHJ%20Archive%5C2013%5C05-30-13.docx))

 5/31/2013 House Read third time and sent to Senate ([House Journal‑page 2](file:///h%3A%5CHJ%20Archive%5C2013%5C05-31-13.docx))

 6/4/2013 Senate Introduced, read first time, placed on calendar without reference ([Senate Journal‑page 15](file:///h%3A%5CSJ%20Archive%5C2013%5C06-04-13.docx))

 6/5/2013 Senate Amended ([Senate Journal‑page 37](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 Senate Read second time ([Senate Journal‑page 37](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 37](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/6/2013 Senate Read third time and returned to House with amendments ([Senate Journal‑page 38](file:///h%3A%5CSJ%20Archive%5C2013%5C06-06-13.docx))

 6/6/2013 Scrivener's error corrected

 6/6/2013 House Non‑concurrence in Senate amendment ([House Journal‑page 82](file:///h%3A%5CHJ%20Archive%5C2013%5C06-06-13.docx))

 6/6/2013 House Roll call Yeas‑0 Nays‑86 ([House Journal‑page 82](file:///h%3A%5CHJ%20Archive%5C2013%5C06-06-13.docx))

 6/6/2013 Senate Senate insists upon amendment and conference committee appointed Massey, Coleman, Thurmond ([Senate Journal‑page 51](file:///h%3A%5CSJ%20Archive%5C2013%5C06-06-13.docx))

 6/6/2013 House Conference committee appointed Bannister, Quinn, and Stavrinakis ([House Journal‑page 99](file:///h%3A%5CHJ%20Archive%5C2013%5C06-06-13.docx))

 6/18/2013 House Conference report received and adopted ([House Journal‑page 41](file:///h%3A%5CHJ%20Archive%5C2013%5C06-18-13.docx))

 6/18/2013 House Roll call Yeas‑113 Nays‑0 ([House Journal‑page 43](file:///h%3A%5CHJ%20Archive%5C2013%5C06-18-13.docx))

 6/18/2013 Senate Conference report received and adopted ([Senate Journal‑page 46](file:///h%3A%5CSJ%20Archive%5C2013%5C06-18-13.docx))

 6/18/2013 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 46](file:///h%3A%5CSJ%20Archive%5C2013%5C06-18-13.docx))

 6/18/2013 House Ordered enrolled for ratification ([House Journal‑page 47](file:///h%3A%5CHJ%20Archive%5C2013%5C06-18-13.docx))

 6/19/2013 Ratified R 122

 6/20/2013 Signed By Governor

 6/26/2013 Effective date 06/20/13

 6/26/2013 Act No. 99

**VERSIONS OF THIS BILL**

[2/28/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130228.docx)

[5/29/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130529.docx)

[5/30/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130530.docx)

[6/4/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130604.docx)

[6/5/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130605.docx)

[6/6/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130606.docx)

[6/18/2013](file:///p%3A%5Cpprever%5C2013-14%5C3717_20130618.docx)

(A99, R122, H3717)

**AN ACT TO AMEND SECTION 16‑3‑1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE OFFENSES OF HARASSMENT AND STALKING, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSES PERSONS WHO COMMIT THE OFFENSES WHILE SUBJECT TO THE TERMS OF A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; TO AMEND SECTIONS 16‑3‑1710, 16‑3‑1720, AND 16‑3‑1730, ALL AS AMENDED, RELATING TO PENALTIES FOR HARASSMENT IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, AND STALKING, RESPECTIVELY, ALL SO AS TO INCLUDE PERSONS SUBJECT TO A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; TO AMEND SECTION 20‑4‑60, AS AMENDED, RELATING TO ORDERS OF PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE A PROCEDURE FOR VACATING AN ORDER OF PROTECTION AND DESTRUCTION OF THE RECORDS OF THE ORDER WHEN MUTUAL ORDERS OF PROTECTION HAVE BEEN ENTERED THAT DO NOT COMPLY WITH THE PROVISIONS OF THE STATUTE; AND TO AMEND SECTION 16‑3‑1760, AS AMENDED, RELATING TO EMERGENCY HEARINGS FOR TEMPORARY RESTRAINING ORDERS, SO AS TO PROVIDE A PROCEDURE FOR VACATING A TEMPORARY RESTRAINING ORDER AND DESTRUCTION OF THE RECORDS OF THE ORDER WHEN AN ORDER WAS IMPROPERLY ISSUED DUE TO UNKNOWN FACTS.**

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

**Harassment and stalking, definitions, inclusion of family court restraining orders**

SECTION 1. Section 16‑3‑1700 of the 1976 Code, as last amended by Act 106 of 2005, is further amended by adding an appropriately lettered subsection at the end to read:

 “( ) A person who commits the offense of harassment in any degree or stalking, as defined in this section, while subject to the terms of a restraining order issued by the family court may be charged with a violation of this article and, upon conviction, may be sentenced pursuant to the provisions of Section 16‑3‑1710, 16‑3‑1720, or 16‑3‑1730.”

**Harassment, penalties, inclusion of family court restraining orders**

SECTION 2. Section 16‑3‑1710(B) of the 1976 Code, as last amended by Act 106 of 2005, is further amended to read:

 “(B) A person convicted of harassment in the second degree is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned not more than one year, or both if:

 (1) the person has a prior conviction of harassment or stalking within the preceding ten years; or

 (2) at the time of the harassment an injunction or restraining order, including a restraining order issued by the family court, was in effect prohibiting the harassment.”

**Harassment, penalties, inclusion of family court restraining orders**

SECTION 3. Section 16‑3‑1720(B) of the 1976 Code, as last amended by Act 106 of 2005, is further amended to read:

 “(B) A person who engages in harassment in the first degree when an injunction or restraining order, including a restraining order issued by the family court, is in effect prohibiting this conduct is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars, imprisoned not more than three years, or both.”

**Stalking, penalties, inclusion of family court restraining orders**

SECTION 4. Section 16‑3‑1730(B) of the 1976 Code, as last amended by Act 106 of 2005, is further amended to read:

 “(B) A person who engages in stalking when an injunction or restraining order, including a restraining order issued by the family court, is in effect prohibiting this conduct is guilty of a felony and, upon conviction, must be fined not more than seven thousand dollars, imprisoned not more than ten years, or both.”

**Orders of protection, vacating the order, destruction of records**

SECTION 5. Section 20‑4‑60 of the 1976 Code, as last amended by Act 319 of 2008, is further amended by adding at the end:

 “(F) If mutual orders of protection have been entered that do not comply with the provisions of this section a petitioner may request the order be vacated and all records of the order be destroyed.”

**Temporary restraining orders, vacating the order, destruction of records**

SECTION 6. Section 16‑3‑1760 of the 1976 Code, as last amended by Act 106 of 2005, is further amended by adding at the end:

 “(E) Upon motion of a party, the court may determine that a temporary restraining order was improperly issued due to unknown facts. The court may order the temporary restraining order vacated and all records of the improperly issued restraining order destroyed.”

**Time effective**

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 19th day of June, 2013.

Approved the 20th day of June, 2013.

\_\_\_\_\_\_\_\_\_\_