**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 25, TITLE 16 ENTITLED “DATING VIOLENCE” SO AS TO DEFINE NECESSARY TERMS, CREATE THE OFFENSE OF DATING VIOLENCE, AND PROVIDE A PENALTY.

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

SECTION 1. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Article 3

Dating Violence

Section 16‑25‑300. (A) For purposes of this article, the term:

(1) ‘Dating violence’ means violence between persons who have or previously had a continuing and significant relationship of a romantic or intimate nature. The existence of this relationship must be determined based on consideration of the following factors, the:

(a) dating relationship does not require sexual intimacy;

(b) nature of the relationship was characterized by the expectation of affection between the parties and includes ‘break-up’ violence or threats that escalate at the time or after the dating relationship ends; and

(c) frequency and type of interaction between the persons involved in the relationship must have included that the persons were involved over time and on a continuous basis during the course of the relationship. The term ‘dating violence’ does not include violence in a casual acquaintanceship or violence between persons who have only engaged in ordinary fraternization in a business or social context.

(2) ‘Violence’ means any assault, aggravated assault, battery, aggravated battery, sexual assault or battery or criminal sexual conduct offense, stalking, or kidnapping resulting in the victim having reasonable cause to believe that the victim is in imminent danger of becoming the subject of an act of violence, or threats or attempts to abuse the victim, or physical injury or death to the victim.

(B) A person commits the offense of dating violence when the victim has reasonable cause to believe that the victim is in imminent danger of becoming the subject of an act of dating violence, or when a victim presents sufficient evidence that the current or former partner of the relationship threatened to, attempted to, or actually physically abused the victim.

(C) A person who violates the provisions of this section is guilty of the offense of dating violence and must be punished, upon conviction, pursuant to the provisions of Section 16‑25‑20(B). A violation of the provisions of this section is not considered a lesser‑included offense of one of the offenses listed in subsection (A)(2). The penalties provided in this section are in addition to the penalties provided for an underlying offense and any sentence imposed pursuant to the provisions of the section must be served consecutively to a sentence imposed for an underlying offense.

(D) A person under the age of eighteen may not be charged with a violation of this section.”

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

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