**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 336**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Climer

Document Path: l:\s-res\wc\002assa.kmm.wc.docx

Introduced in the Senate on January 8, 2019

Currently residing in the Senate Committee on **Judiciary**

Summary: Assault and Battery; high and aggravated nature

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 188](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 188](file:///h:\sj\20190108.docx))

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**VERSIONS OF THIS BILL**

[1/8/2019](file:///p:\pprever\2019-20\336_20190108.docx)

**A** **BILL**

TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO ASSAULT AND CRIMINAL SEXUAL CONDUCT, BY ADDING SECTION 16‑3‑620, TO CREATE THE OFFENSES OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE ON A LAW ENFORCEMENT OFFICER AND ASSAULT AND BATTERY ON A LAW ENFORCEMENT OFFICER IN THE FIRST, SECOND, AND THIRD DEGREES, TO PROVIDE PENALTIES, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑620. (A) For the purposes of this section:

(1) ‘Great bodily injury’ has the same meaning as in Section 16‑3‑600(A)(1).

(2) ‘Moderate bodily injury’ has the same meaning as in Section 16‑3‑600(A)(2).

(B)(1) A person commits the offense of assault and battery of a high and aggravated nature on a law enforcement officer if:

(a) the person unlawfully injures a law enforcement officer while the law enforcement officer is in the performance of his official duties; and

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

(2) A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than thirty years.

(C)(1) A person commits the offense of assault and battery on a law enforcement officer in the first degree if:

(a) the person unlawfully offers or attempts to injure a law enforcement officer with the present ability to do so;

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

(c) the act occurs while the law enforcement officer is in the performance of his official duties.

(2) A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty years.

(3) Assault and battery on a law enforcement officer in the first degree is a lesser included offense of assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).

(D)(1) A person commits the offense of assault and battery on a law enforcement officer in the second degree if:

(a) the person unlawfully injures, or offers or attempts to injure, with the present ability to do so, a law enforcement officer while the law enforcement officer is in the performance of his official duties; and

(b) moderate bodily injury to the law enforcement officer results or moderate bodily injury to the law enforcement officer could have resulted.

(2) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than ten years, or both.

(3) Assault and battery on a law enforcement officer in the second degree is a lesser included offense of assault and battery on a law enforcement officer in the first degree, as defined in subsection (C)(1) and assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).

(E)(1) A person commits the offense of assault and battery on a law enforcement officer in the third degree if the person unlawfully injures a law enforcement officer, or offers or attempts to injure a law enforcement officer, with the present ability to do so, while the law enforcement officer is in the performance of his official duties.

(2) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both.

(3) Assault and battery on a law enforcement officer in the third degree is a lesser included offense of assault and battery on a law enforcement officer in the second degree, as defined in subsection (D)(1), assault and battery on a law enforcement officer in the first degree, as defined in subsection (C)(1), and assault and battery of a high and aggravated nature on a law enforcement officer, as defined in subsection (B)(1).”

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

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