**South Carolina General Assembly**

125th Session, 2023-2024

**S. 142**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett

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Introduced in the Senate on January 10, 2023

Introduced in the House on March 28, 2023

Last Amended on April 25, 2024

Currently residing in the Senate

Summary: Safe Harbor for Exploited Minors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Judiciary**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 79](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 79](h:\sj\20230110.docx))

2/2/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
Rice, Senn, Adams

2/8/2023 Scrivener's error corrected

2/22/2023 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 9](h:\sj\20230222.docx))

2/27/2023 Scrivener's error corrected

3/9/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 14](h:\sj\20230309.docx))

3/9/2023 Senate Amended ([Senate Journal‑page 14](h:\sj\20230309.docx))

3/13/2023 Scrivener's error corrected

3/14/2023 Senate Amended ([Senate Journal‑page 18](h:\sj\20230314.docx))

3/15/2023 Scrivener's error corrected

3/15/2023 Senate Read second time ([Senate Journal‑page 24](h:\sj\20230315.docx))

3/15/2023 Senate Roll call Ayes-40 Nays-0 ([Senate Journal‑page 24](h:\sj\20230315.docx))

3/16/2023 Senate Read third time and sent to House ([Senate Journal‑page 7](h:\sj\20230316.docx))

3/28/2023 House Introduced and read first time ([House Journal‑page 35](h:\hj\20230328.docx))

3/28/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 35](h:\hj\20230328.docx))

4/23/2024 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 3](h:\hj\20240423.docx))

4/24/2024 Scrivener's error corrected

4/25/2024 House Amended ([House Journal‑page 10](h:\hj\20240425.docx))

4/25/2024 House Read second time ([House Journal‑page 10](h:\hj\20240425.docx))

4/25/2024 House Roll call Yeas-97 Nays-0 ([House Journal‑page 12](h:\hj\20240425.docx))

4/25/2024 House Unanimous consent for third reading on next legislative day ([House Journal‑page 13](h:\hj\20240425.docx))

4/26/2024 Scrivener's error corrected

4/27/2024 House Read third time and returned to Senate with amendments ([House Journal‑page 2](h:\hj\20240427.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=142&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20221130.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230208.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230222.docx)

[02/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230227.docx)

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230309.docx)

[03/13/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230313.docx)

[03/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230314.docx)

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20230315.docx)

[04/23/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20240423.docx)

[04/23/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20240423a.docx)

[04/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20240424.docx)

[04/25/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20240425.docx)

[04/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/142_20240426.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 25, 2024

S. 142

Introduced by Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett

S. Printed 04/25/24--H. [SEC 4/26/2024 3:45 PM]

Read the first time March 28, 2023

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A bill

to amend the South Carolina Code of Laws by amending Section 16-3-2010, relating to the definition of “sex trafficking”, so as to expand the definition to include sexual exploitation of a minor and promoting or participating in prostitution of a minor; and by amending Section 16-3-2020, relating to Trafficking in persons, penalties, minor victims AND defenses, SO AS to provide that a sex trafficking victim may raise duress and COERCION as an affirmative defense to nonviolent offenses committed as a direct result or incident to the trafficking, to provide that a minor sex trafficking victim may not be convicted for nonviolent offenses committed as a direct result or incident to the trafficking, and to provide that a minor sex trafficking victim cannot be found in violation of or be the subject of a DELINQUENCY petition if the minor’s conduct was a direct result of or incidental to or related to trafficking; and so as to provide that the provisions in this act are retroactive.

Amend Title To Conform

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

SECTION 1. Section 16-3-2010(7) of the S.C. Code is amended to read:

(7) “Sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person performing the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by any person:

(a) criminal sexual conduct pursuant to Section 16-3-651;

(b) criminal sexual conduct in the first degree pursuant to Section 16-3-652;

(c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;

(d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;

(e) criminal sexual conduct with a minor pursuant to Section 16-3-655;

(f) engaging a child for sexual performance pursuant to Section 16-3-810;

(g) producing, directing, or promoting sexual performance by a child pursuant to Section 16-3-820;

(h) sexual battery pursuant to Section 16-3-651;

(i) sexual conduct pursuant to Section 16-3-800; or

(j) sexual performance pursuant to Section 16-3-800;

(k) sexual exploitation of a minor pursuant to Section 16-15-395, 16-15-405, or 16-15-410; or

(l) promoting or participating in prostitution of a minor pursuant to Section 16-15-415 or 16-15-425.

SECTION 2. Sections 16-3-2020(F) and (G) of the S.C. Code are amended to read:

(F) In a prosecution or adjudication of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution or adjudication, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted or adjudicated delinquent of a violation of this article, or prostitution, or any other nonviolent offense may motion the court to vacate the conviction or adjudication and expunge the record of the conviction or adjudication for an offense committed as a direct result of, or incidental or related to, trafficking. The court may grant the motion on a finding by a preponderance of evidence that the person’s participation in the offense was a direct result of, being a victim.or incidental to, being a victim of trafficking. An alleged victim of trafficking who files a motion to vacate a conviction or adjudication and expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim’s Bill of Rights. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60.

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted in court pursuant toor adjudicated delinquent for a violation of this article, or a prostitution offense, or for any other nonviolent offense if it is determined after investigation that the victim committed the offense as a direct result of, or incidental or related to, trafficking. For purposes of this subsection, nonviolent offense means all offenses not listed in Section 16-1-60. A person under the age of eighteen who is a victim of trafficking in persons in violation of this title shall not be found in violation of or be the subject of a delinquency petition if it is determined after investigation that the victim’s conduct was a direct result of, or incidental or related to, trafficking However, the minor must be referred to the Department of Social Services to handle appropriately pursuant to the laws governing minor victims of trafficking.

SECTION 3. The rights delineated under SECTION 2 of this act shall apply retroactively.

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

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