**South Carolina General Assembly**

125th Session, 2023-2024

**S. 238**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Adams and Gustafson

Companion/Similar bill(s): 1, 586, 3476

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Drug Induced Homicide

**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 122](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 122](h:\sj\20230110.docx))

2/8/2023 Scrivener's error corrected

7/27/2023 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=238&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/238_20221130.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/238_20230208.docx)

[07/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/238_20230727.docx)

A bill

to amend article 1, chapter 3, title 16 of the South Carolina Code of Laws, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-80, TO CREATE THE OFFENSE OF DRUG‑INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, and to prohibit an affirmative defense; and to amend Section 16‑1‑10(D), relating to A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG‑INDUCED HOMICIDE.

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

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

Section 16‑3‑80. (A) A person who unlawfully delivers a controlled substance to another person, in violation of the provisions of Section 44‑53‑370 or 44‑53‑375, if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the controlled substance, commits the felony offense of drug‑induced homicide.

(B) A person convicted of a drug‑induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years but not less than fifteen years.

(C) The person may be prosecuted in any jurisdiction within the state where any act in furtherance of the violation occurs.

(D) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

SECTION 2. Section 16‑1‑10(D) of the S.C. Code is amended by adding a new offense to read:

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| --- | --- | --- |
| 37 | 16‑3‑65 | Drug‑induced homicide |

SECTION 3. This act takes effect upon approval by the Governor.

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