**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3023**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. T. Moore, Leber and Pope

Companion/Similar bill(s): 839, 4662

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Introduced in the House on January 10, 2023

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

Summary: Homicide by Child Abuse

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 44)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 44)

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3023_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 16‑3‑85, relating to Homicide by child abuse, so as to provide that the offense applies to the death of A child under the age of eighteen rather than under the age of eleven.

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

SECTION 1. Section 16‑3‑85 of the S.C. Code is amended to read:

 Section 16‑3‑85. (A) A person is guilty of homicide by child abuse if the person:

 (1) causes the death of a child under the age of eleveneighteen while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or

 (2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleveneighteen.

 (B) For purposes of this section, the following definitions apply:

 (1) “Child abuse or neglect” means an act or omission by any person which causes harm to the child's physical health or welfare;.

 (2) “Harm” to a child's health or welfare occurs when a person:

 (a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment;

 (b) fails to supply the child with adequate food, clothing, shelter, or health care, and the failure to do so causes a physical injury or condition resulting in death; or

 (c) abandons the child resulting in the child's death.

 (C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

 (1) under subsection (A)(1) may be imprisoned for life but not less than a term of twenty years; or

 (2) under subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.

 (D) In sentencing a person under this section, the judge must consider any aggravating circumstances including, but not limited to, a defendant's past pattern of child abuse or neglect of a child under the age of eleveneighteen, and any mitigating circumstances; however, a child's crying does not constitute provocation so as to be considered a mitigating circumstance.

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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