**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4604**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rose

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Introduced in the House on January 9, 2024

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

Summary: Domestic Violence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/16/2023 House Prefiled

11/16/2023 House Referred to Committee on **Judiciary**

1/9/2024 House Introduced and read first time ([House Journal‑page 96](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 96](h:\hj\20240109.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4604&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4604_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑25‑20, RELATING TO DOMESTIC VIOLENCE OFFENSES, SO AS TO CLARIFY THAT DOMESTIC VIOLENCE OFFENSES IN THE SECOND DEGREE ARE ELIGIBLE FOR PRETRIAL INTERVENTION PROGRAMS.

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

SECTION 1. Section 16‑25‑20(C) of the S.C. Code is amended to read:

(C) A person commits the offense of domestic violence in the second degree if the person violates subsection (A) and:

(1) moderate bodily injury to the person's own household member results or the act is accomplished by means likely to result in moderate bodily injury to the person's own household member;

(2) the person violates a protection order and in the process of violating the order commits domestic violence in the third degree;

(3) the person has one prior conviction for domestic violence in the past ten years from the current offense; or

(4) in the process of committing domestic violence in the third degree one of the following also results, the:

(a) the offense is committed in the presence of, or while being perceived by, a minor;

(b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;

(c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;

(d) the offense is committed by impeding the victim's breathing or air flow; or

(e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:

(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or

(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.

(5) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned for not more than three years, or both.

(6) Domestic violence in the second degree is a lesser‑included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16‑25‑65.

(7) Assault and battery in the second degree pursuant to Section 16‑3‑600(D) is a lesser‑included offense of domestic violence in the second degree as defined in this subsection.

(8) A person who violates this subsection is eligible for pretrial intervention pursuant to Chapter 22, Title 17.

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

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