**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4825**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Murphy, W. Newton, Brewer, Gatch, Robbins, Kirby, Mitchell, Crawford, Yow, Bailey, Pope, Guest, Hartnett, West, Oremus, Leber, Williams, Jefferson, Gilliard, Schuessler, Landing, Bustos, Calhoon, Gilliam, Gibson, M.M. Smith, B. Newton and Anderson

Companion/Similar bill(s): 4633

Document Path: LC-0217AHB24.docx

Introduced in the House on January 10, 2024

Introduced in the Senate on January 31, 2024

Last Amended on May 8, 2024

Currently residing in the House

Summary: Kidnapping, luring

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/10/2024 House Introduced and read first time (House Journal‑page 39)

 1/10/2024 House Referred to Committee on **Judiciary** (House Journal‑page 39)

 1/17/2024 House Member(s) request name added as sponsor:
 Williams, Jefferson, Gilliard

 1/24/2024 House Committee report: Favorable **Judiciary** (House Journal‑page 4)

 1/25/2024 House Member(s) request name added as sponsor:
 Schuessler, Landing, Bustos, Calhoon,
 Gilliam, Gibson

 1/30/2024 House Member(s) request name added as sponsor: M.M.
 Smith, B. Newton, Anderson

 1/30/2024 House Read second time (House Journal‑page 23)

 1/30/2024 House Roll call Yeas-113 Nays-0 (House Journal‑page 24)

 1/31/2024 House Read third time and sent to Senate (House Journal‑page 23)

 1/31/2024 Senate Introduced and read first time (Senate Journal‑page 7)

 1/31/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 7)

 4/23/2024 Senate Referred to Subcommittee: Hutto (ch), Adams,
 Garrett, Gustafson, Tedder

 5/1/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 14)

 5/8/2024 Senate Committee Amendment Adopted

 5/8/2024 Senate Read second time

 5/8/2024 Senate Roll call Ayes-44 Nays-0

 5/9/2024 Senate Read third time and returned to House with amendments

 5/9/2024 House Non-concurrence in Senate amendment

 5/9/2024 House Roll call Yeas-0 Nays-108

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4825&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4825_20240110.docx)

[01/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4825_20240124.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4825_20240501.docx)

[05/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4825_20240508.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

May 08, 2024

H. 4825

Introduced by Reps. Hewitt, Murphy, W. Newton, Brewer, Gatch, Robbins, Kirby, Mitchell, Crawford, Yow, Bailey, Pope, Guest, Hartnett, West, Oremus, Leber, Williams, Jefferson, Gilliard, Schuessler, Landing, Bustos, Calhoon, Gilliam, Gibson, M. M. Smith, B. Newton and Anderson

S. Printed 05/08/24--S.

Read the first time January 31, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑3‑910, RELATING TO OFFENSES INVOLVING KIDNAPPING, SO AS TO INCLUDE UNLAWFULLY LURING ANOTHER PERSON, TO PROVIDE FOR A SENTENCING ENHANCEMENT WHEN THE VICTIM IS A MINOR, TO SPECIFICALLY PROVIDE FOR PUNISHMENT FOR ATTEMPTED KIDNAPPING OFFENSES, AND TO DEFINE THE TERM “MINOR”.

 Amend Title To Conform

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

SECTION 1. Section 16‑3‑910 of the S.C. Code is amended to read:

 Section 16‑3‑910. Whoever shall unlawfully seize, confine, inveigle,decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years unless sentenced for murder as provided in Section 16‑3‑20.

SECTION 2. Chapter 5, Title 63 of the S.C. Code is amended by adding:

 Section 63‑5‑90. (A) As used in this section, the term:

 (1) “Child” means a person under sixteen years of age.

 (2) “Conveyance” means any motor vehicle as defined in Section 56-1-10, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

 (3) “Dwelling” means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by persons lodging together, including the surrounding area.

 (4) “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, including the surrounding area.

 (B) Unless the circumstances reasonably indicate that the child is in need of assistance, a person eighteen years of age or older who lures, entices, or attempts to lure or entice a child into a conveyance, dwelling, or structure without the consent, express or implied, of the child’s parent or legal guardian is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

 (C) Mistake of age is not a defense to prosecution pursuant to the provisions of this section. However, it is an affirmative defense to prosecution pursuant to the provisions of this section if the:

 (1) person lured, enticed, or attempted to lure or entice, the child into the conveyance, dwelling, or structure for a lawful purpose; or

 (2) person’s actions were otherwise reasonable under the circumstances, and he did not have the intent to harm the health, safety, or welfare of the child.

 (D) The penalties provided in this section are in addition to other penalties as provided by law for kidnapping or any other offense, as warranted. The offense of luring a child is not intended to be a lesser included offense of kidnapping or any other offense.

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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