**South Carolina General Assembly**

125th Session, 2023-2024

**S. 880**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Adams

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

Summary: Reckless Endangerment

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Judiciary**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 69)

 1/9/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 69)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/880_20231130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑3‑605 SO AS TO CREATE THE OFFENSE OF RECKLESS ENDANGERMENT, TO DEFINE TERMS PERTAINING TO THIS OFFENSE, AND TO PROVIDE PENALTIES; BY AMENDING SECTION 16‑3‑610, RELATING TO CERTAIN OFFENSES COMMITTED WITH A CARRIED OR CONCEALED DEADLY WEAPON, SO AS TO INCLUDE RECKLESS ENDANGERMENT; AND BY AMENDING SECTION 17‑15‑55(C), RELATING TO RECONSIDERATION BY CIRCUIT COURT OF BOND SET BY SUMMARY COURT AND SUBSEQUENT VIOLENT OFFENDERS, SO AS TO REQUIRE THE BOND FOR THE OFFENSE OF RECKLESS ENDANGERMENT TO BE HELD IN CIRCUIT COURT IF THE OFFENSE WAS COMMITTED BY A PERSON ALREADY OUT ON BOND FOR A PREVIOUS VIOLENT OFFENSE, RECKLESS ENDANGERMENT OFFENSE, OR ANY FELONY OFFENSE INVOLVING A FIREARM.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑605. (A) For purposes of this section:

 (1) “Deadly weapon” means any instrument that can be used to inflict deadly force.

 (2) “Bodily injury” means bodily injury that causes a substantial risk of death, physical damage, or impairment.

 (B)(1) A person commits the offense of reckless endangerment in the first degree if the person engages in conduct that creates a substantial risk of death or bodily injury to another person and:

 (a) the offense is committed with a deadly weapon;

 (b) the person discharges or causes to be discharged unlawfully a firearm during the offense; or

 (c) the person has been previously convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 16‑3‑605.

 (2)(a) A person who violates this subsection is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

 (b) For a second or subsequent offense, a person convicted under this section is guilty of a felony and, upon conviction, must be imprisoned not less than five years nor more than fifteen years.

 (C)(1) A person commits the offense of reckless endangerment in the second degree if the person engages in conduct that creates a substantial risk of death or bodily injury to another person.

 (2) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

SECTION 2. Section 16‑3‑610 of the S.C. Code is amended to read:

 Section 16‑3‑610. If a person is convicted of an offense pursuant to Section 16‑3‑29, 16‑3‑600, 16‑3‑605, or manslaughter, and the offense is committed with a deadly weapon of the character as specified in Section 16‑23‑460 carried or concealed upon the person of the defendant, the judge shall, in addition to the punishment provided by law for such offense, sentence the person to imprisonment for the misdemeanor offense for not less than three months nor more than twelve months, or a fine of not less than two hundred dollars, or both.

SECTION 3. Section 17‑15‑55(C) of the S.C. Code is amended to read:

 (C) If a person commits a violent offense, as defined in Section 16‑1‑60, reckless endangerment in the first degree, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent offense, reckless endangerment offense, or any felony offense involving a firearm and the subsequent offense did not arise out of the same series of events as the previous offense, then:

 (1) the bond for the original offense must be revoked by operation of law and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

 (2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm;

 (3) if the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Section 17‑15‑15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety;

 (4) if the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and

 (5) if a person commits a violent offense, as defined in Section 16‑1‑60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm, and the subsequent offense did not arise out of the same series of events as the previous offense, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection, to the solicitor of the circuit in which the offense was committed and the administrative chief judge of the circuit in which the offense was committed. The prosecuting agency must notify any victims of the initial or subsequent offenses pursuant to Chapter 3, Title 16 of any bond hearings.

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

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