

## Session 116 - (2005-2006)

**H 4144 General Bill, By E.H. Pitts, Kirsh, Bingham, Haskins, Leach, Loftis, Anderson, Haley, M.A. Pitts, G.R. Smith, Taylor, Toole, Vaughn, Viers, Rice, Owens, Hardwick, Simrill, Umphlett, Huggins, J.R. Smith and Miller  
Similar (S 0871)**

**Summary:** Sex offenses involving a minor

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-750 SO AS TO PROVIDE THAT A PERSON CURRENTLY INCARCERATED BY THE DEPARTMENT OF CORRECTIONS FOR CERTAIN SEX OFFENSES INVOLVING A MINOR WHO IS RELEASED ON PROBATION, PAROLE, OR COMMUNITY SUPERVISION OR A PERSON CURRENTLY ON PROBATION, PAROLE, OR COMMUNITY SUPERVISION FOR CERTAIN SEX OFFENSES INVOLVING A MINOR MUST BE MONITORED BY AN ACTIVE ELECTRONIC MONITORING DEVICE FOR THE DURATION OF THE TIME THE PERSON IS REQUIRED TO BE UNDER SUPERVISION AND TO PROVIDE THAT A PERSON WHO VIOLATES A TERM OF PROBATION, PAROLE, OR COMMUNITY SUPERVISION MUST BE REQUIRED BY THE COURT TO BE MONITORED BY AN ACTIVE ELECTRONIC MONITORING DEVICE FOR THE DURATION OF THE TIME THE PERSON REMAINS ON THE SEX OFFENDER REGISTRY IN ADDITION TO OTHER APPROPRIATE ACTION BY THE COURT; BY ADDING SECTION 16-3-760 SO AS TO PROVIDE ADDITIONAL FACTORS FOR THE COURT TO CONSIDER WHEN CONSIDERING RELEASE OF A PERSON ON BOND WHO IS CHARGED WITH CERTAIN OFFENSES; BY ADDING SECTION 16-15-450 SO AS TO ADD THAT A PERSON WHO VIOLATES A PROVISION RELATING TO CHILD EXPLOITATION ALSO MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE; BY ADDING SECTION 23-3-540 SO AS TO ESTABLISH THE OFFENSE OF ASSISTING OR HARBORING AN UNREGISTERED SEX OFFENDER AND TO PROVIDE A PENALTY; BY ADDING SECTION 24-21-435 SO AS TO DEFINE THE TERM "ACTIVE ELECTRONIC MONITORING DEVICE", TO ESTABLISH THE OFFENSE OF TAMPERING WITH AN ACTIVE ELECTRONIC MONITORING DEVICE OR AN APPROVED ELECTRONIC MONITORING DEVICE, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-3-20, AS AMENDED, RELATING TO PUNISHMENT FOR MURDER, SO AS TO ADD TO THE LIST OF AGGRAVATING CIRCUMSTANCES THAT THE MURDER WAS COMMITTED BY A PERSON DEEMED A SEXUALLY VIOLENT PREDATOR; TO AMEND SECTION 16-3-652, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, SO AS TO REVISE THE PENALTY FOR A PERSON CONVICTED OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE AND TO REQUIRE THAT THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-3-653 RELATING TO CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE, SO AS TO PROVIDE A PENALTY FOR A PERSON CONVICTED OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE AND TO REQUIRE THAT THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-3-656, RELATING TO ASSAULTS WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT, SO AS TO PROVIDE THAT A PERSON CONVICTED OF ASSAULT WITH INTENT TO COMMIT A CRIMINAL DOMESTIC VIOLENCE OFFENSE WHO IS REQUIRED TO REGISTER ON THE SEX OFFENDER REGISTRY AND THE VICTIM IS A MINOR, THE PERSON'S SENTENCE MUST INCLUDE THAT HE BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME HE IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-3-810, RELATING TO ENGAGING A CHILD FOR A SEXUAL PERFORMANCE, AND SECTION 16-3-820, RELATING TO PRODUCING, DIRECTING, OR PROMOTING A SEXUAL PERFORMANCE BY A CHILD, BOTH SO AS TO REQUIRE THAT IN ADDITION TO OTHER PENALTIES THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-3-910, RELATING TO KIDNAPPING, SO AS TO REQUIRE THAT IN ADDITION TO THE PENALTY PROVIDED THE PERSON CONVICTED OF KIDNAPPING, IF THE VICTIM IS UNDER THE AGE OF EIGHTEEN AND THE PERSON IS NOT A PARENT, MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-15-20, RELATING TO INCEST, SO AS TO REQUIRE THAT IN ADDITION TO THE PENALTY PROVIDED THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-15-140,

RELATING TO COMMITTING OR ATTEMPTING TO COMMIT A LEWD ACT UPON A CHILD UNDER SIXTEEN, SO AS TO REQUIRE THAT IN ADDITION TO THE PENALTY PROVIDED THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-15-342, RELATING TO CRIMINAL SOLICITATION OF A MINOR, SO AS TO REQUIRE THAT IN ADDITION TO THE PENALTY PROVIDED THE PERSON MUST BE ORDERED BY THE COURT TO BE MONITORED WITH AN ACTIVE ELECTRONIC MONITORING DEVICE UPON RELEASE FROM INCARCERATION FOR THE DURATION OF TIME THE PERSON IS REQUIRED TO REMAIN ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 23-3-460, AS AMENDED, RELATING TO ANNUAL REGISTRATION FOR LIFE FOR PURPOSES OF THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE FOR REGISTRATION EVERY SIX MONTHS RATHER THAN ANNUALLY; AND TO AMEND SECTION 23-3-530, RELATING TO THE PROTOCOL MANUAL DEVELOPED BY THE STATE LAW ENFORCEMENT DIVISION FOR THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE CERTAIN NONEXCLUSIVE REQUIREMENTS THAT MUST BE INCLUDED IN THE PROTOCOL MANUAL.

**05/19/05** House    **Introduced and read first time HJ-4**  
**05/19/05** House    **Referred to Committee on Judiciary HJ-7**  
**01/10/06** House    **Member(s) request name added as sponsor: Viers**  
**01/19/06** House    **Member(s) request name added as sponsor: Rice, Owens, Hardwick**  
**01/24/06** House    **Member(s) request name added as sponsor: Simrill**  
**01/31/06** House    **Member(s) request name added as sponsor: Umphlett, Huggins**  
**02/01/06** House    **Member(s) request name added as sponsor: J.R.Smith**  
**02/02/06** House    **Member(s) request name added as sponsor: Miller**