

Session 109 - (1991-1992)

H 4861 General Bill, By Meacham, M.A. Hyatt and Young-Brickell

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Sections 16-25-25 and 16-25-35 so as to incorporate the elements of the common law crime of assault and battery of a high and aggravated nature in the new crime of criminal domestic violence of a high and aggravated nature and to require that a presentence investigation be conducted before any sentencing to determine the state of mind of the offender; to amend Section 16-25-30, relating to the penalties for criminal domestic violence, so as to create two new offenses and classify these and the existing offenses as degrees of criminal domestic violence and provide a penalty for violation, to provide that when a person who violates the provisions of Section 16-25-20 for a first offense the court may suspend execution of all or part of the sentence and place the offender on probation conditioned upon the participation of the offender in a program designed to treat battering spouses or other appropriate psychiatric or therapeutic treatment or counseling; to amend Section 20-4-20, relating to the definitions used in the "Protection from Domestic Use Act", so as to include within the definition of "family or household member" "persons cohabiting or formerly cohabiting"; to amend Section 16-1-10, as amended, relating to the crimes classified as felonies, so as to include the felony offenses in this Act; and to repeal Sections 16-25-40 and 16-25-60 relating to the penalty and suspension of sentence for a third conviction of Section 16-25-20 (criminal domestic violence).

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05/19/92 House Referred to Committee on Judiciary HJ-39