**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43‑35‑14 SO AS TO PROVIDE THAT A FACILITY CONSIDERING THE ADMITTANCE OF A PERSON AS A RESIDENT OF THE FACILITY SHALL DETERMINE WHETHER THE PERSON IS A REGISTERED SEX OFFENDER BY FOLLOWING CERTAIN PROCEDURES, AND THAT IF THE FACILITY DETERMINES THE PERSON IS A REGISTERED SEX OFFENDER IT MUST PROVIDE CERTAIN NOTICE TO THE OTHER RESIDENTS OF THE FACILITY OR, IF APPLICABLE, THEIR LEGAL GUARDIANS, AND THAT FAILURE TO COMPLY WITH EITHER OF THESE REQUIREMENTS CONSTITUTES A KNOWING AND WILFUL NEGLECT OF THE SAFETY OF THE VULNERABLE ADULTS RESIDING IN THE FACILITY; AND TO AMEND SECTION 43‑35‑85, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS RELATING TO THE PROTECTION OF VULNERABLE ADULTS, SO AS TO INCLUDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS OF THE REQUIREMENTS OF SECTION 43‑35‑14.

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

SECTION 1. Article 1, Chapter 35, Title 43 of the 1976 Code is amended by adding:

“Section 43‑35‑14. (A)(1) A facility considering the admittance of a person as a resident of the facility shall determine whether the person is a registered sex offender by consulting the South Carolina Sex Offender Registry operated by the South Carolina Law Enforcement Division and the National Sex Offender Registry operated by the United States Department of Justice.

(2) If the facility determines that a person seeking admission as a resident of the facility is a registered sex offender in any jurisdiction, the facility shall notify each resident of the facility and his legal guardian, if one exists, in writing that a registered sex offender is being admitted to the facility, the name of the registered sex offender, and date he is admitted to the facility within twenty‑four hours of his admittance.

(B) A facility that fails to comply with a provision of subsection (A) is considered to have knowingly and wilfully neglected the safety of the residents of the facility and must be subject to the penalties provided in Section 43‑35‑85(A) for failure to comply. The violation does not constitute a separate offense against each resident.”

SECTION 2. Section 43‑35‑85(A) of the 1976 Code, as last amended by Act 223 of 2010, is further amended to read:

“(A) A person:

(1) who violates a provision of Section 43‑35‑14 constituting the knowing and wilful neglect of the safety of a vulnerable adult; or

(2) required to report under this chapter who knowingly and wilfully fails to report abuse, neglect, or exploitation is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty‑five hundred dollars or imprisoned not more than one year. In addition to this criminal penalty, civil penalties for violations of Section 43‑35‑14 are:

(a) for a first offense, a fine of one thousand dollars;

(b) for a second offense, a fine of two thousand dollars; and

(c) for a third violation within a five year period of a second offense, a fine of three thousand dollars and loss of eligibility to receive Medicaid funds.”

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

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