**South Carolina General Assembly**

126th Session, 2025-2026

**S. 202**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Walker

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Introduced in the Senate on January 15, 2025

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

Summary: Wilful destruction of evidence

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/15/2025 Senate Introduced and read first time (Senate Journal‑page 3)

 1/15/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 3)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=202&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/202_20250115.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17‑28‑350, RELATING TO WILFUL DESTRUCTION OF EVIDENCE, SO AS TO PROVIDE AN ENHANCED PENALTY WHEN A DEATH IS THE RESULT OF A DRUG OVERDOSE.

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

SECTION 1. Section 17‑28‑350 of the S.C. Code is amended to read:

 Section 17‑28‑350. (A) A person who wilfully and maliciously buries, destroys, alters, conceals, or tampers with physical evidence or biological material that is required to be preserved pursuant to this article with the intent to impair the integrity of the physical evidence or biological material, prevent the physical evidence or biological material from being subjected to DNA testing, or prevent the production or use of the physical evidence or biological material in an official proceeding, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars for a first offense, and not more than five thousand dollars or imprisoned for not more than one year, or both, for each subsequent violation.

 (B) A person who violates the provisions of subsection (A), and a death results from a drug overdose, is guilty of a misdemeanor and, upon conviction, must be fined not more than seven thousand five hundred dollars or imprisoned for not more than three years, or both.

SECTION 2. 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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.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 3. This act takes effect upon approval by the Governor.

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