**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3044**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Guffey and Magnuson

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Prefiled in the House on December 5, 2024

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

Summary: Sex Offender Registry, castration

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3044_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23‑3‑435 SO AS TO PROVIDE THAT A COURT MAY ORDER SURGICAL CASTRATION FOR OFFENDERS EIGHTEEN YEARS OF AGE OR OLDER CONVICTED OF CERTAIN TIERS II AND III SEX OFFENSES FOR WHICH THEY MUST REGISTER ON THE SEX OFFENDER REGISTRY WHEN VICTIMS ARE THIRTEEN YEARS OR YOUNGER, AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH A COURT ORDER.

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

SECTION 1. Article 7, Chapter 3, Title 23 of the S.C. Code is amended by adding:

 Section 23‑3‑435. (A) If an offender eighteen years of age or older at the time of commission of the offense is convicted in this State of a Tier II or Tier III offense provided in Section 23‑3‑430 when the victim is thirteen years of age or younger and the offender is ordered by the court to register on the Sex Offender Registry, in addition to any other penalty imposed for the offense, the court may sentence the offender to be surgically castrated which must be administered by the Department of Corrections by a licensed physician.

 (B) An order of the court sentencing an offender to surgical castration pursuant to this section is contingent upon a determination by a court‑appointed medical expert that the offender is an appropriate candidate for surgery. This determination must be made not later than sixty days from the imposition of the sentence. In all cases involving an offender sentenced to a period of incarceration or confinement in an institution, the procedure must be performed not later than one week before the offender’s release from incarceration or an institution.

 (C) If an offender fails to appear as required by court order for purposes of the procedure, or refuses to allow the procedure, he must be charged with a violation of this section. Upon conviction, the offender must be punished by imprisonment of not more than five years, no part of which may be suspended nor probation or parole granted.

 (D) Notwithstanding the provisions of this section, nothing in this section may be construed to require surgical castration when it is not medically appropriate.

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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