**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3391**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Oremus

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Prefiled in the House on December 5, 2024

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

Summary: Aggravated involuntary manslaughter by controlled substance

**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/3391_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑3‑65 SO AS TO CREATE THE OFFENSE OF AGGRAVATED INVOLUNTARY MANSLAUGHTER, AND TO PROVIDE A PENALTY FOR VIOLATIONS.

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

SECTION 1. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑65. (A) A person commits the offense of aggravated involuntary manslaughter when he causes the death of another person, without any intention to do so, by manufacturing, delivering, distributing, or selling any controlled substance, counterfeit substance, or imitation controlled substance, as those terms are defined in Section 44‑53‑110.

 (B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum of not less than ten years, no part of which may be suspended nor probation granted, or not more than thirty years.

 (C) The offense of aggravated involuntary manslaughter must be considered a separate offense and must not merge with any other offense.

 (D) The provisions of this section must not be construed so as to apply to the manufacturing, delivery, distribution, or selling of a controlled substance in a manner authorized under the provisions of Chapter 53, Title 44.

 (E) For purposes of any criminal prosecution of violations of this section, it is not a defense that the defendant had no knowledge of the chemical identity of a controlled substance, counterfeit substance, or imitation controlled substance, and the State does not have the burden of proving the defendant had knowledge of the chemical identity of a controlled substance, counterfeit substance, or imitation controlled substance.

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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