**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3394**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. T. Moore and Robbins

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Prefiled in the House on December 5, 2024

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

Summary: Homicide by child abuse

**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/3394_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑3‑85, RELATING TO HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE AGE OF A CHILD UNDER THIS SECTION FROM UNDER THE AGE OF ELEVEN TO UNDER THE AGE OF EIGHTEEN.

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

SECTION 1. Section 16‑3‑85 of the S.C. Code is amended to read:

 Section 16‑3‑85. (A) A person is guilty of homicide by child abuse if the person:

 (1) causes the death of a child under the age of eleven eighteen while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or

 (2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleven eighteen.

 (B) For purposes of this section, the following definitions apply:

 (1) “child abuse or neglect” means an act or omission by any person which causes harm to the child’s physical health or welfare;.

 (2) “harm” to a child’s health or welfare occurs when a person:

 (a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment;

 (b) fails to supply the child with adequate food, clothing, shelter, or health care, and the failure to do so causes a physical injury or condition resulting in death; or

 (c) abandons the child resulting in the child’s death.

 (C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

 (1) under subsection (A)(1) may be imprisoned for life but not less than a term of twenty years; or

 (2) under subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.

 (D) In sentencing a person under this section, the judge must consider any aggravating circumstances including, but not limited to, a defendant’s past pattern of child abuse or neglect of a child under the age of eleven eighteen, and any mitigating circumstances; however, a child’s crying does not constitute provocation so as to be considered a mitigating circumstance.

SECTION 2. This act takes effect upon approval by the Governor.

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