**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4043**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Pace

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Introduced in the House on February 19, 2025

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

Summary: Child Rapist Death Penalty Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2025 House Introduced and read first time ([House Journal‑page 11](h:\hj\20250219.docx))

2/19/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 11](h:\hj\20250219.docx))

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**VERSIONS OF THIS BILL**

[02/19/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4043_20250219.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “CHILD RAPIST DEATH PENALTY ACT” BY AMENDING SECTION 16‑3‑655, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR, SO AS TO PROVIDE THAT THE DEATH PENALTY SHALL BE ENFORCED UNDER THIS SECTION NOTWITHSTANDING PREVIOUS DECISIONS OF THE SUPREME COURT OF THE UNITED STATES.

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

SECTION 1. This act may be cited as the “Child Rapist Death Penalty Act.”

SECTION 2. Section 16‑3‑655 of the S.C. Code is amended by adding:

(J) Notwithstanding any other law, this section shall remain in effect and shall be enforced by all courts of this State notwithstanding the Supreme Court’s ruling in Kennedy v. Louisiana, 554 U.S. 407 (2008), except that a death sentence pursuant to this section shall specify that it may not be carried out until Kennedy v. Louisiana, 554 U.S. 407 (2008), is overruled.

(K)(1) If the State wishes to seek the death penalty pursuant this section but a ruling or opinion from the Supreme Court of the United States purports to preclude the imposition of the death penalty, then the State may, before or during the trial, take an immediate interlocutory appeal directly to the Supreme Court of South Carolina for the purpose of seeking reconsideration of that ruling or opinion from the Supreme Court of the United States on petition for certiorari.

(2) If the State wishes to appeal under this section, it shall notify the trial court of its desire to appeal and identify the ruling or opinion from the Supreme Court of the United States that purports to preclude the imposition of the death penalty. The trial court shall immediately enter an order prohibiting the State from seeking the death penalty against the defendant, and the State may appeal from that order.

(3) The State must file its notice of appeal within fourteen days of the order described in item (2). The filing of a notice of appeal under this section shall automatically stay proceedings in the trial court until the appeal is fully resolved.

(4) The Supreme Court of South Carolina shall expedite its consideration of any appeal taken under item (1) and shall resolve the appeal as quickly as possible.

(5) The Supreme Court of South Carolina shall summarily affirm, without requesting merits briefing or holding oral argument, if it concludes or the State concedes that a ruling or opinion from the Supreme Court of the United States precludes the State from imposing the death penalty against the defendant. The State may indicate in its notice of appeal that a ruling or opinion of the Supreme Court of the United States precludes the State from imposing the death penalty against the defendant, and that the appeal is taken solely for the purpose of seeking reconsideration of that Supreme Court ruling or opinion on petition for certiorari.

(6) The State may petition for writ of certiorari from any decision of the Supreme Court of South Carolina affirming the trial court’s order precluding the State from seeking the death penalty against the defendant.

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

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