

South Carolina General Assembly
123rd Session, 2019-2020

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H. 3063

STATUS INFORMATION

General Bill

Sponsors: Reps. Gilliard, Thigpen, Cobb-Hunter, Henderson-Myers, Govan, Robinson, Dillard, Mack, Anderson, McKnight, Bamberg, Brown, Moore, King, Pendarvis, Alexander, Hart, Jefferson, R. Williams, Rutherford, Henegan, Rivers, Garvin, McCoy, Rose, Hosey, McDaniel and Ott

Document Path: I:\council\bill\bh\7025ahb19.docx

Companion/Similar bill(s): 3068

Introduced in the House on January 8, 2019

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

Summary: Hate Crimes

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/18/2018	House	Prefiled
12/18/2018	House	Referred to Committee on Judiciary
1/8/2019	House	Introduced and read first time (House Journal-page 72)
1/8/2019	House	Referred to Committee on Judiciary (House Journal-page 72)
1/31/2019	House	Member(s) request name added as sponsor: Henderson-Myers
2/13/2019	House	Member(s) request name added as sponsor: Govan, Robinson, Dillard, Mack, Anderson, McKnight, Bamberg, Brown, Moore, King, Pendarvis, Alexander, Hart, Jefferson, R.Williams, Rutherford, Henegan
2/20/2019	House	Member(s) request name added as sponsor: Rivers
3/26/2019	House	Member(s) request name added as sponsor: Garvin
4/3/2019	House	Member(s) request name added as sponsor: McCoy, Rose
5/21/2019	House	Member(s) request name added as sponsor: Hosey, McDaniel, Ott

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VERSIONS OF THIS BILL

[12/18/2018](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROVIDE PENALTIES FOR A PERSON CONVICTED OF A CRIME CONTAINED IN THIS CHAPTER WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN A

PERSON BECAUSE OF HIS RACE, RELIGION, COLOR, SEX, AGE, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR HOMELESSNESS; AND TO AMEND SECTIONS [16-11-510](#) AND [16-11-520](#), RELATING TO MALICIOUS INJURY TO PERSONAL AND REAL PROPERTY, SO AS TO REVISE THE PENALTIES FOR MALICIOUS INJURY TO REAL PROPERTY OFFENSES AND TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO MALICIOUSLY INJURE PERSONAL OR REAL PROPERTY OF ANOTHER PERSON WITH THE INTENT TO ASSAULT, INTIMIDATE, OR THREATEN THAT PERSON.

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

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

"Article 20

Hate Crimes

Section [16-3-2210](#). A person who commits an offense contained in this chapter with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, sexual orientation, or homelessness is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this article may not be suspended. A sentence imposed pursuant to the provisions of this section is in addition to any other sentence imposed for another offense and is not a lesser-included offense of another offense; and any sentence imposed pursuant to the provisions of this section must be served consecutively. For purposes of this section, 'sexual orientation' means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression."

SECTION 2. Section [16-11-510](#) of the 1976 Code is amended to read:

"Section [16-11-510](#). (A) It is unlawful for a person to wilfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.

(B) A person who violates the provisions of this section is guilty of a:

- (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;
- (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;
- (3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections [22-3-540](#), [22-3-545](#), [22-3-550](#), and [14-25-65](#), if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned, not more than thirty days, or both.

(C) A person who violates the provisions of subsection (A) with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, sexual orientation, or homelessness is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this subsection may not be suspended. For purposes of this section, 'sexual orientation' means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression."

SECTION 3. Section [16-11-520](#) of the 1976 Code is amended to read:

"Section [16-11-520](#). (A) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit ~~any other~~ another trespass upon real property of another person.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections [22-3-540](#), [22-3-545](#), [22-3-550](#), and [14-25-65](#), if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

(C) A person who violates the provisions of subsection (A) with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, sexual orientation, or homelessness is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars, or imprisoned not less than two years nor more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this subsection may not be suspended. For purposes of this section, 'sexual orientation' means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression."

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

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