

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL
2 For: Rep. Hewitt
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4 Stenographer: Huth
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9 **A BILL**

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11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTION 16-3-930 SO AS TO DEFINE
13 NECESSARY TERMS, CREATE THE OFFENSE OF LURING A
14 CHILD INTO A CONVEYANCE, DWELLING, OR
15 STRUCTURE, AND PROVIDE A PENALTY AND DEFENSES
16 TO PROSECUTION.

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

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21 SECTION 1. Article 9, Chapter 3, Title 16 of the 1976 Code is
22 amended by adding:

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24 “Section 16-3-930. (A) As used in this section, the term:
25 (1) ‘Child’ means a person under eighteen years of age.
26 (2) ‘Conveyance’ means any motor vehicle, as defined in
27 Section 56-1-10, ship, vessel, railroad car, trailer, aircraft, or
28 sleeping car.
29 (3) ‘Dwelling’ means a building or conveyance of any kind,
30 either temporary or permanent, mobile or immobile, which has a
31 roof over it and is designed to be occupied by persons lodging
32 together, including the surrounding area.
33 (4) ‘Structure’ means a building of any kind, either temporary
34 or permanent, which has a roof over it, including the surrounding
35 area.
36 (B)(1) A person eighteen years of age or older who lures, entices,
37 or attempts to lure or entice a child into a conveyance, dwelling, or
38 structure without the consent, express or implied, of the child’s
39 parent or legal guardian for a:
40 (a) first offense is guilty of a misdemeanor and, upon
41 conviction, must be fined not more than five hundred dollars or
42 imprisoned not more than one year; or

1 (b) second offense or subsequent offense is guilty of a
2 misdemeanor and, upon conviction, must be fined not more than one
3 thousand dollars or imprisoned not more than three years, or both.

4 (2) A person eighteen years of age or older who violates the
5 provisions of item (1) when the child is under the age of thirteen for
6 a:

7 (a) first offense is guilty of a felony and, upon conviction,
8 must be fined not more than five thousand dollars or imprisoned not
9 more than five years; or

10 (b) second or subsequent offense is guilty of felony and,
11 upon conviction, must be fined not more than ten thousand dollars
12 or imprisoned not more than ten years, or both.

13 (C) Mistake of age is not a defense to prosecution pursuant to the
14 provisions of this section. However, it is an affirmative defense to
15 prosecution pursuant to the provisions of this section if the:

16 (1) person reasonably believed that his action was necessary
17 to prevent the child from sustaining serious injury;

18 (2) person lured, enticed, or attempted to lure or entice, the
19 child into the conveyance, dwelling, or structure for a lawful
20 purpose; or

21 (3) person's actions were otherwise reasonable under the
22 circumstances and he did not have the intent to harm the health,
23 safety, or welfare of the child.

24 (D) The penalties provided in this section are in addition to other
25 penalties as provided by law for kidnapping or other more serious
26 offenses as warranted and are not intended to be lesser-included
27 offenses of more serious offenses.”

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

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