**South Carolina General Assembly**

125th Session, 2023-2024

**S. 296**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Allen

Companion/Similar bill(s): 3, 615, 3005, 3014, 3020

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Hate crimes; provide penalties

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/7/2022 Senate Prefiled

 12/7/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 183)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 183)

 2/9/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/07/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/296_20221207.docx)

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/296_20230209.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 16-3-2410 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, or sexual orientation; by amending Section 16-11-510, relating to malicious injury to personal property, so as to so as to revise the penalties for malicious injury to personal property; and by amending Section 16-11-520, relating to Malicious injury to real property, so as to revise the PENALTIES for malicious injury to real property 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 S.C. Code is amended by adding:

Article 22

Hate Crimes

 Section 16‑3‑2410. 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, or sexual orientation 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.

SECTION 2. Section 16‑11‑510 of the S.C. 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, or sexual orientation 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 S.C. 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, or sexual orientation 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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