**South Carolina General Assembly**

125th Session, 2023-2024

**S. 3**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson and K. Johnson

Companion/Similar bill(s): 296, 615, 3005, 3014, 3020

Document Path: SMIN-0030MW23.docx

Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Hate Crimes

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 16)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 16)

 2/8/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3_20221201.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3_20230208.docx)

A bill

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE “PENALTY ENHANCEMENTS FOR CERTAIN CRIMES”, TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

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

SECTION 1. This act may be cited as the “Hate Crimes Act.”

SECTION 2. Chapter 3, Title 16 of the 1976 Code is amended by adding:

 Article 22

 Penalty Enhancements for Certain Crimes

 Section 16‑3‑2410. (A)(1) When a person commits a violent crime as defined in Section 16‑1‑60 or commits assault by mob in the second degree as defined in Section 16‑3‑210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected in whole or in part because of the person’s belief or perception regarding the victim’s race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

 (2) For purposes of this article, the definition of ‘sex’ shall conform to the definition as set forth in the majority’s holding in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2020).

 (B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16‑1‑60 or commits assault by mob in the second degree as defined in Section 16‑3‑210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

 (C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed in whole or in part because of the person’s belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

 (D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person’s belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

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

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