**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3588**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith and Horne

Document Path: l:\council\bills\bbm\9167cm09.docx

Introduced in the House on February 19, 2009

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

Summary: Child left unattended

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-19-09.docx)‑9

2/19/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-19-09.docx)‑9

1/20/2010 House Member(s) request name added as sponsor: Horne

**VERSIONS OF THIS BILL**

[2/19/2009](file:///p:\pprever\2009-10\3588_20090219.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3910 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS “CHILD” AND “UNATTENDED”, TO PROVIDE THAT IT IS UNLAWFUL FOR THE OPERATOR OR AN ADULT PASSENGER OF A MOTOR VEHICLE TO LEAVE THE MOTOR VEHICLE FOR MORE THAN FIVE MINUTES WHEN AN UNATTENDED CHILD IS INSIDE THE VEHICLE, TO PROVIDE THAT CERTAIN PERSONS WHO OBSERVE A CHILD LEFT UNATTENDED IN A MOTOR VEHICLE MAY REMOVE THE CHILD FROM THE VEHICLE AND ARE NOT LIABLE IN A CIVIL ACTION TO ANY PARTY FOR AN ACT PERFORMED IN GOOD FAITH, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION.

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

SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3910. (A) As used in this section:

(1) ‘Child’ means a person under the age of nine.

(2) ‘Unattended’ means leaving a child:

(a) alone in a motor vehicle; or

(b) in a motor vehicle with a person under the age of twelve.

(B) It is unlawful for the operator or an adult passenger of a motor vehicle to leave the motor vehicle for more than five minutes when an unattended child is inside the vehicle, regardless of whether the vehicle’s operator or adult passenger is charged with the care or custody of the child.

(C) A law enforcement officer, firefighter, or emergency medical service personnel who observes a child left unattended in a motor vehicle and determines that the unattended child is in physical danger or poses a danger to others, may use any means that is reasonably necessary to protect the child or others, and remove the child from the motor vehicle. If the person who left an unattended child inside a motor vehicle cannot be located within a reasonable period of time, the law enforcement officer, firefighter, or emergency medical service personnel, upon removing the child from the motor vehicle, immediately shall report this incident to a local law enforcement agency, that may assume protective custody of the child without a court order and without the consent of the child’s family.

(D) Law enforcement officers, firefighters, and emergency medical service personnel are not liable in a civil action to any party for an act performed in good faith under this section.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years.”

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

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