**A** **BILL**

TO AMEND SECTION 16‑15‑305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON THE DISSEMINATION, PROCUREMENT, OR PROMOTION OF OBSCENITY, SO AS TO EXPAND THE PROHIBITION ON THE EXHIBITION OF OBSCENE CONTENT AND TO DEFINE THE TERM “DIGITAL ELECTRONIC FILE”.

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

SECTION 1. Section 16‑15‑305(A)(4) of the 1976 Code is amended to read:

“(4) exhibits, presents, rents, sells, delivers, or provides; or offers or agrees to exhibit, present, rent, or to provide: any motion picture, film, filmstrip, digital electronic file, or projection slide, or sound recording, sound tape, or sound track, video tapes and recordings, or any matter or material of whatever form which is a representation, description, performance, or publication of the obscene.”

SECTION 2. Section 16‑15‑305(C) of the 1976 Code is amended to read:

“(C) As used in this article:

(1) ‘sexual conduct’ means:

(a) vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted, whether between human beings, animals, or a combination thereof;

(b) masturbation, excretory functions, or lewd exhibition, actual or simulated, of the genitals, pubic hair, anus, vulva, or female breast nipples including male or female genitals in a state of sexual stimulation or arousal or covered male genitals in a discernably turgid state;

(c) an act or condition that depicts actual or simulated bestiality, sado‑masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed;

(d) an act or condition that depicts actual or simulated touching, caressing, or fondling of, or other similar physical contact with, the covered or exposed genitals, pubic or anal regions, or female breast nipple, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of actual or apparent sexual stimulation or gratification; or

(e) an act or condition that depicts the insertion of any part of a person’s body, other than the male sexual organ, or of any object into another person’s anus or vagina, except when done as part of a recognized medical procedure.

(2) ‘patently offensive’ means obviously and clearly disagreeable, objectionable, repugnant, displeasing, distasteful, or obnoxious to contemporary standards of decency and propriety within the community.

(3) ‘prurient interest’ means a shameful or morbid interest in nudity, sex, or excretion and is reflective of an arousal of lewd and lascivious desires and thoughts.

(4) ‘person’ means any individual, corporation, partnership, association, firm, club, or other legal or commercial entity.

(5) ‘knowingly’ means having general knowledge of the content of the subject material or performance, or failing after reasonable opportunity to exercise reasonable inspection which would have disclosed the character of the material or performance.

(6) ‘digital electronic file’ means:

(a) still image files including, but not limited to, joint photographic experts group (JPEG), tagged image file format (TIFF), or portable document format (PDF) files;

(b)video files including, but not limited to, Windows Media files and QuickTime files; and

(c) any live or previously recorded streamed content.”

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

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