**South Carolina General Assembly**

124th Session, 2021-2022

**S. 198**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Introduced in the Senate on January 12, 2021

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

Summary: Civil rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 213](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 213](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\198_20201209.docx)

**A** **BILL**

TO AMEND SECTION 16-5-10 OF THE 1976 CODE, RELATING TO CONSPIRACY AGAINST CIVIL RIGHTS, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON, REGARDLESS OF HIS RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN, TO CONSPIRE AGAINST CIVIL RIGHTS; TO AMEND CHAPTER 5, TITLE 16 OF THE 1976 CODE, RELATING TO OFFENSES AGAINST CIVIL RIGHTS, BY ADDING SECTIONS 16-5-15 AND 16-5-18, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON, REGARDLESS OF HIS RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR NATIONAL ORIGIN, TO VIOLENTLY INTERFERE WITH A STATE-PROTECTED RIGHT, AND TO PROVIDE PENALTIES FOR VIOLATIONS AND FALSE REPORTING; TO AMEND SECTION 16-5-20 OF THE 1976 CODE, RELATING TO PUNISHMENT FOR THE COMMISSION OF ADDITIONAL CRIMES, TO PROVIDE THAT A PERSON WHO COMMITS A CRIME IN ADDITION TO INTERFERING WITH A STATE-PROTECTED RIGHT SHALL BE SUBJECTED TO PUNISHMENT FOR THE ADDITIONAL CRIME; TO AMEND SECTION 16-5-60 OF THE 1976 CODE, RELATING TO SUITS AGAINST A COUNTY FOR DAMAGES TO A PERSON OR PROPERTY RESULTING FROM THE VIOLATION OF A PERSON'S CIVIL RIGHTS, TO PROVIDE THAT ANY CITIZEN HINDERED, PREVENTED, OR OBSTRUCTED BY A COUNTY MAY CLAIM AND PROSECUTE THE COUNTY FOR DAMAGES; AND TO AMEND CHAPTER 5, TITLE 16 OF THE 1976 CODE, RELATING TO OFFENSES AGAINST CIVIL RIGHTS, BY ADDING SECTION 16-5-95, TO PRESERVE AN INDIVIDUAL’S RIGHT OF ACTION.

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

SECTION 1. Section 16-5-10 of the 1976 Code is amended to read:

“Section 16‑5‑10. (A) It is unlawful for ~~two or more persons to band or conspire together or go in disguise~~ any person, regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin to go upon the public highway or upon the premises of another with the intent to injure, oppress, or violate the person or property of a citizen because of his political opinion or his expression or exercise of the same or attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both. A person convicted under this section is ineligible to hold, and disabled from holding, any office of honor, trust, or profit in this State.”

SECTION 2. Chapter 5, Title 16 of the 1976 Code is amended by adding:

“Section 16-5-15. (A) It is unlawful for any person, regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin, by force or threat of force to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views and because he is or has been:

(1) voting, qualifying, or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher or any legally authorized election official, in any primary, special, or general election;

(2) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by South Carolina or a subdivision thereof;

(3) traveling in or using any facility of intrastate commerce;

(4) participating lawfully in speech or peaceful assembly. For the purposes of this section, ‘participating lawfully in speech or peaceful assembly’ shall not mean aiding, abetting, or inciting other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot; or

(5) engaging in lawful business or employment.

(B) It is unlawful for any person, regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin, to willfully and intentionally cause bodily injury to any person or attempt to cause bodily injury to any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views during the commission of any felony identified in Section 16‑1‑60 or an offense under Section 16‑9‑320.

(C) Any person violating subsection (A) shall be fined not less than one thousand dollars and not more than five thousand dollars, imprisoned not more than one year, or both. If bodily injury results from acts committed in violation of subsection (A) or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, then the person shall be fined as provided in this subsection, imprisoned not more than five years, or both.

(D) Any person violating subsection (B) shall be fined not less than two thousand five hundred dollars and not more than seven thousand five hundred dollars, imprisoned not more than ten years, or both.

(E) If death results from any acts committed in violation of this section or if such acts include kidnapping or attempted kidnapping, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, then a person, upon conviction, shall be imprisoned for a minimum sentence of thirty years.

(F) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office, and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing the ordinances and laws of South Carolina or any political subdivision of the State.”

SECTION 3. Chapter 5, Title 16 of the 1976 Code is amended by adding:

“Section 16-5-18. A person who falsely reports a violation of Section 16‑5‑10 or 16‑5‑15 is guilty of a misdemeanor and shall be fined an amount not less than five hundred dollars and not more than two thousand dollars, imprisoned for not more than one year, or both.”

SECTION 4. Section 16-5-20 of the 1976 Code is amended to read:

“Section 16-5-20. If in violating any of the provisions of Sections 16‑5‑10, 16-5-15, or 16‑5‑50 any other crime, misdemeanor or felony shall be committed, the offender or offenders shall, on conviction thereof, be subjected to such punishment for the same as is attached to such crime, misdemeanor and felony by the existing laws of this State.”

SECTION 5. Section 16-5-60 of the 1976 Code is amended to read:

“Section 16-5-60. Any citizen who shall be hindered, prevented or obstructed by a county in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State or shall be injured in his person or property because of his exercise of the same may claim and prosecute the county in which the offense shall be committed for any damages he shall sustain thereby, and the county shall be responsible for the payment of such damages as the court may award, which shall be paid by the county treasurer of such county on a warrant drawn by the governing body thereof. Such warrant shall be drawn by the governing body as soon as a certified copy of the judgment roll is delivered to them for file in their office.”

SECTION 6. Chapter 5, Title 16 of the 1976 Code is amended by adding:

“Section 16-5-95. Nothing in this chapter shall be construed to prevent a person who has been falsely accused of a violation of Section 16‑5‑10 or Section 16‑5‑15 or who has been a victim of 16‑5‑10 or Section 16‑5‑15 from having and maintaining an action against any person violating Section 16‑5‑10, 16‑5‑15, or 16‑5‑18 to recover full damages for any injury sustained.”

SECTION 7. This act takes effect upon approval by the Governor.

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