**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3733**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Carter

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Introduced in the House on January 18, 2023

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

Summary: Assaulting sports official

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 House Introduced and read first time (House Journal‑page 15)

 1/18/2023 House Referred to Committee on **Judiciary** (House Journal‑page 15)

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3733_20230118.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑3‑600, RELATING TO VARIOUS ASSAULT AND BATTERY OFFENSES, SO AS TO PROVIDE THAT A PERSON WHO UNLAWFULLY INJURES A SPORTS OFFICIAL IN THE PERFORMANCE OF HIS OFFICIAL DUTIES IS SUBJECT TO GREATER MAXIMUM PENALTIES DEPENDING ON THE DEGREE OF THE ASSAULT AND BATTERY COMMITTED.

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

SECTION 1. Section 16‑3‑600 of the S.C. Code is amended to read:

 Section 16‑3‑600. (A) For purposes of this section:

 (1) “Great bodily injury” means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

 (2) “Moderate bodily injury” means physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one‑time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

 (3) “Private parts” means the genital area or buttocks of a male or female or the breasts of a female.

 (4) “Sports official” means an individual who:

 (a) serves as a referee, umpire, or linesman at sporting events, or serves in a similar capacity known by another title; and

 (b) is duly registered as a member of a local, state, regional, or national organization which is engaged in part in providing education and training to sports officials.

 (B)(1) A person commits the offense of assault and battery of a high and aggravated nature if the person unlawfully injures another person, and:

 (a) great bodily injury to another person results; or

 (b) the act is accomplished by means likely to produce death or great bodily injury.

 (2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than twenty years.

 (3) A person who violates this subsection by committing the offense of assault and battery of a high and aggravated nature against a sports official in the performance of his official duties is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty‑five years.

 (4) Assault and battery of a high and aggravated nature is a lesser‑included offense of attempted murder, as defined in Section 16‑3‑29.

 (C)(1) A person commits the offense of assault and battery in the first degree if the person unlawfully:

 (a) injures another person, and the act:

 (i) involves nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft; or

 (b) offers or attempts to injure another person with the present ability to do so, and the act:

 (i) is accomplished by means likely to produce death or great bodily injury; or

 (ii) occurred during the commission of a robbery, burglary, kidnapping, or theft.

 (2) A person who violates this subsection is guilty of a felony, and, upon conviction, must be imprisoned for not more than ten years.

 (3) A person who violates this subsection by committing the offense of assault and battery in the first degree against a sports official in the performance of his official duties is guilty of a felony and, upon conviction, must be imprisoned for not more than fifteen years. Assault and battery in the first degree against a sports official is a lesser included offense of assault and battery of a high and aggravated nature against a sports official, as defined in subsection (B)(3).

 (4) Assault and battery in the first degree is a lesser‑included offense of assault and battery of a high and aggravated nature, as defined in subsection (B)(1), and attempted murder, as defined in Section 16‑3‑29.

 (D)(1) A person commits the offense of assault and battery in the second degree if the person unlawfully injures another person, or offers or attempts to injure another person with the present ability to do so, and:

 (a) moderate bodily injury to another person results or moderate bodily injury to another person could have resulted; or

 (b) the act involves the nonconsensual touching of the private parts of a person, either under or above clothing.

 (2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand five hundred dollars, or imprisoned for not more than three years, or both.

 (3) A person who violates this subsection by committing the offense of assault and battery in the second degree against a sports official in the performance of his official duties is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. Assault and battery in the second degree against a sports official is a lesser included offense of assault and battery in the first degree against a sports official, as defined in subsection (C)(3), and assault and battery of a high and aggravated nature against a sports official, as defined in subsection (B)(3).

 (4) Assault and battery in the second degree is a lesser‑included offense of assault and battery in the first degree, as defined in subsection (C)(1), assault and battery of a high and aggravated nature, as defined in subsection (B)(1), and attempted murder, as defined in Section 16‑3‑29.

 (E)(1) A person commits the offense of assault and battery in the third degree if the person unlawfully injures another person, or offers or attempts to injure another person with the present ability to do so.

 (2) A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both.

 (3) A person who violates this subsection by committing the offense of assault and battery in the third degree against a sports official in the performance of his official duties is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both. Assault and battery in the third degree against a sports official is a lesser included offense of assault and battery in the second degree against a sports official, as defined in subsection (D)(3); assault and battery in the first degree against sports official, as defined in subsection (C)(3); and assault and battery of a high and aggravated nature against a sports official, as defined in subsection (B)(3).

 (4) Assault and battery in the third degree is a lesser‑included offense of assault and battery in the second degree, as defined in subsection (D)(1), assault and battery in the first degree, as defined in subsection (C)(1), assault and battery of a high and aggravated nature, as defined in subsection (B)(1), and attempted murder, as defined in Section 16‑3‑29.

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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