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Summary: Healthcare Workplace Security Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

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 12/5/2024 House Referred to Committee on **Judiciary**

 1/14/2025 House Introduced and read first time (House Journal‑page 219)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 219)

 2/5/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3480_20241205.docx)

[12/06/2024-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/3480_20241206a.docx)

[02/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3480_20250205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by enacting THE “HEALTHCARE WORKPLACE SECURITY ACT”; BY AMENDING SECTION 16-3-600, RELATING TO ASSAULT AND BATTERY OFFENSES AND DEFINITIONS, SO AS TO INCLUDE ASSAULT AND BATTERY OFFENSES COMMITTED WITHIN HEALTHCARE FACILITIES UPON HEALTHCARE WORKERS, TO DEFINE “HEALTHCARE FACILITY” AND “HEALTHCARE WORKER,” AND TO PROVIDE THAT THE HEALTHCARE FACILITY’S ADDRESS SHALL SERVE AS THE ADDRESS OF A HEALTHCARE WORKER WHO IS A VICTIM OF ASSAULT AND BATTERY WITHIN A HEALTHCARE FACILITY.

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

SECTION 1. This act may be cited as the “Healthcare Workplace Security Act.”

SECTION 2. 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) “Healthcare facility” has the same meaning as in Section 44‑7‑130 and includes reception and administrative areas of a healthcare facility and a healthcare professional’s or physician’s office.

 (3) “Healthcare worker” means a person licensed as a healthcare provider pursuant to Title 40, a person registered under the laws of this State to provide healthcare services, or an employee of a healthcare facility as defined in this subsection.

 (2)(4) “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)(5) “Private parts” means the genital area or buttocks of a male or female or the breasts of a female.

 (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; or

 (c) the act is committed within a healthcare facility upon a healthcare worker and the person knowingly causes great bodily injury or the likelihood of death or great bodily injury results, involves the use of display of a deadly weapon, or involves strangulation or attempted strangulation.

 (2) A person who violates this subsectionthe provisions of item (1)(a) or (b) is guilty of a felony, and, upon conviction, must be imprisoned for not more than twenty years. A person who violates the provisions of item (1)(c) is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars and imprisoned not less than a mandatory minimum of ninety days and not more than fifteen years. No part of the ninety‑day mandatory minimum may be suspended nor probation granted.

 (3) 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) 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; or

 (c) the act is committed within a healthcare facility upon a healthcare worker and the person knowingly causes moderate bodily injury or involves the nonconsensual touching of the private parts of a healthcare worker, or knowingly causes physical contact with a healthcare worker and a reasonable person would regard the contact as extremely offensive or provocative including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste on the healthcare worker.

 (2) A person who violates this subsectionthe provisions of item (1)(a) or (b) 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. A person who violates the provisions of item (1)(c) is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five thousand dollars and imprisoned not less than a mandatory minimum of thirty days and not more than five years. No part of the thirty‑day mandatory minimum may be suspended nor probation granted.

 (3) 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) 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.

 (F) Healthcare workers who are victims of acts committed in violation of subsections (B)(1)(c) and (D)(1)(c) within a healthcare facility shall have their addresses reflected as that of their place of employment, the healthcare facility, on all incident reports, charging documents, or other related legal documents.

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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