

South Carolina General Assembly
125th Session, 2023-2024

A54, R82, H3583

STATUS INFORMATION

General Bill

Sponsors: Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder
Document Path: LC-0087HDB23.docx

Introduced in the House on January 10, 2023

Introduced in the Senate on April 27, 2023

Last Amended on May 11, 2023

Currently residing in the House

Summary: Gavin's Law, Sextortion

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/15/2022	House	Prefiled
12/15/2022	House	Referred to Committee on Judiciary
1/10/2023	House	Introduced and read first time (House Journal-page 219)
1/10/2023	House	Referred to Committee on Judiciary (House Journal-page 219)
1/12/2023	House	Member(s) request name added as sponsor: Sessions
1/18/2023	House	Member(s) request name added as sponsor: Anderson
1/19/2023	House	Member(s) request name added as sponsor: Taylor, Carter, Brewer, Murphy
1/24/2023	House	Member(s) request name added as sponsor: White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber
1/25/2023	House	Member(s) request name added as sponsor: Landing, Chapman
2/1/2023	House	Member(s) request name added as sponsor: Vaughan
2/2/2023	House	Member(s) request name added as sponsor: Hiott, Gilliam
2/14/2023	House	Member(s) request name added as sponsor: Cromer
2/23/2023	House	Member(s) request name added as sponsor: Felder, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese
4/1/2023	House	Member(s) request name removed as sponsor: Felder
2/23/2023	House	Member(s) request name added as sponsor: Hartnett
3/1/2023	House	Member(s) request name added as sponsor: W. Newton, Jordan, Hewitt
3/7/2023	House	Member(s) request name added as sponsor: King, Gilliard, Williams, Jefferson, Weeks

3/14/2023	House	Member(s) request name added as sponsor: Trantham, Nutt, McCravy
3/28/2023	House	Member(s) request name added as sponsor: Felder
3/29/2023	House	Member(s) request name added as sponsor: Robbins, Ballentine
3/30/2023	House	Member(s) request name added as sponsor: Calhoon, M.M. Smith, Davis
4/4/2023	House	Member(s) request name added as sponsor: Cobb-Hunter
4/5/2023	House	Member(s) request name added as sponsor: Henegan, G.M. Smith, Atkinson, Erickson, W. Jones
4/19/2023	House	Committee report: Favorable with amendment Judiciary (House Journal-page 24)
4/20/2023	House	Member(s) request name added as sponsor: Blackwell, McDaniel
4/20/2023	House	Debate adjourned until Wed., 4-26-23 (House Journal-page 13)
4/26/2023	House	Member(s) request name added as sponsor: J.E. Johnson, S. Jones, Willis, Alexander
4/26/2023	House	Amended (House Journal-page 27)
4/26/2023	House	Read second time (House Journal-page 27)
4/26/2023	House	Roll call Yeas-113 Nays-0 (House Journal-page 29)
4/27/2023	House	Read third time and sent to Senate (House Journal-page 9)
4/27/2023	House	Roll call Yeas-107 Nays-0 (House Journal-page 9)
4/27/2023	Senate	Introduced and read first time (Senate Journal-page 5)
4/27/2023	Senate	Referred to Committee on Judiciary (Senate Journal-page 5)
5/3/2023	Senate	Referred to Subcommittee: Hutto (ch), Matthews, Rice, Senn, Adams
5/9/2023	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 19)
5/11/2023	Senate	Committee Amendment Adopted (Senate Journal-page 171)
5/11/2023	Senate	Amended (Senate Journal-page 171)
5/11/2023	Senate	Read second time (Senate Journal-page 171)
5/11/2023	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 171)
5/11/2023	Senate	Unanimous consent for third reading on next legislative day (Senate Journal-page 171)
5/16/2023	Senate	Read third time and returned to House with amendments (Senate Journal-page 6)
5/16/2023	House	Concurred in Senate amendment and enrolled (House Journal-page 18)
5/16/2023	House	Roll call Yeas-100 Nays-0 (House Journal-page 18)
5/17/2023		Ratified R 82
5/18/2023		Signed By Governor
5/26/2023		Effective date 05/18/23
5/26/2023		Act No. 54

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(A54, R82, H3583)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING "GAVIN'S LAW" BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

Citation

SECTION 1. This act may be cited as "Gavin's Law".

Sexual extortion, aggravated sexual extortion

SECTION 2. Article 3, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-430. (A) As used in this section:

- (1) "Adult" means a person eighteen years or older.
- (2) "Minor" means any person under eighteen years of age at the time of the alleged offense.
- (3) "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.
- (4) "Private image" means an image depicting sexually explicit nudity or sexual activity, as defined in Section 16-15-375, or sexual conduct, as defined in Section 16-15-305.
- (5) "Image" means a photograph, film, videotape, recording, live

transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical, or other means.

(6) “Disclose” means exhibit, transfer, publicize, distribute, or reproduce.

(7) “Vulnerable adult” has the same meaning as in Section 43-35-10.

(B) A person commits the offense of felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value. Except as provided in subsections (C) and (D), a person convicted of felony sexual extortion must be imprisoned:

- (1) not more than five years for a first offense;
- (2) not more than ten years for a second offense; or
- (3) not more than twenty years for a third or subsequent offense.

(C)(1) A person commits the offense of aggravated felony sexual extortion if the actor intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value and either:

(a) the victim is a minor or a vulnerable adult and the person convicted of sexual extortion is an adult; or

(b) the victim suffers great bodily injury or death and the finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.

(2) A person convicted of aggravated felony sexual extortion must be imprisoned not more than twenty years.

(D) If the person convicted is a minor, then the person is guilty of misdemeanor sexual extortion and must be sentenced by the family court. The court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider.

Collaboration required

SECTION 3. Local school districts shall collaborate with the State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's office, as appropriate, to implement a policy to educate and notify students of the provisions of this act which includes adequate notice to students, parents or guardians, the public, and school personnel of the change in law. The State Department of Education must file a report as to the status of the adoption and implementation of the education policies under this act to the Governor, the President of the Senate, and the Speaker of the House of Representatives, annually by July first of each year.

Time effective

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

Ratified the 17th day of May, 2023.

Approved the 18th day of May, 2023.