

South Carolina General Assembly
118th Session, 2009-2010

~~Indicates Matter Stricken~~
Indicates New Matter

H. 4091

STATUS INFORMATION

General Bill

Sponsors: Reps. Gilliard, Anderson, Whipper, Mack and R.L. Brown

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Introduced in the House on May 20, 2009

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

Summary: Homeless persons

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
5/20/2009	House	Introduced and read first time HJ-8
5/20/2009	House	Referred to Committee on Judiciary HJ-8

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VERSIONS OF THIS BILL

[5/20/2009](#)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [16-3-640](#) SO AS TO CREATE THE HATE CRIME OF ASSAULT AND BATTERY UPON A HOMELESS PERSON AND PROVIDE A TWO-TIERED PENALTY.

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

SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

"Section [16-3-640](#). (A) For purposes of this section, the term 'homeless person' means an individual who does not have a permanent residence who is either living on the streets, in a car, or in a homeless or other type of shelter which serves those individuals who are either temporarily or permanently without a residence.

(B) A person who commits an assault and battery offense as provided in this article upon a homeless person is guilty of the misdemeanor hate crime of assault and battery upon a homeless person and, upon conviction:

(1) for a first offense, must be punished by imprisonment for not more than thirty days; and

(2) for a second or subsequent offense, must be punished by imprisonment for not more than one year.

(C) The penalties provided in this section are in addition to penalties prescribed for the underlying offense and a sentence prescribed pursuant to this section must be served consecutively to any other sentence."

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

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