Below is a summary of South Carolina laws as it may apply to the Jeanne Clery Act. This is not meant to be an exhaustive listing but merely to be used for informational purposes. Updated September 18, 2015.
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SECTION A: CLERY CRIMES

Murder / Negligent Manslaughter/ Non-negligent Manslaughter

§SECTION 16-3-10. "Murder" defined.

"Murder" is the killing of any person with malice aforethought, either expressed or implied

§SECTION 16-3-50. Manslaughter

A person convicted of manslaughter or the unlawful killing of another without malice, express or implied, must be imprisoned not more than thirty years or less than two years.

§SECTION 16-3-60. Involuntary manslaughter; "criminal negligence" defined.

With regard to the crime of involuntary manslaughter, criminal negligence is defined as the reckless disregard of the safety of others. A person charged with the crime of involuntary manslaughter may be convicted only upon a showing of criminal negligence as defined in this §Section. A person convicted of involuntary manslaughter must be imprisoned not more than five years.

Sexual Assaults

§SECTION 16-3-651. Criminal sexual conduct: definitions.

For the purposes of §§Sections 16-3-651 to 16-3-659.1:

(a) "Actor" means a person accused of criminal sexual conduct.
(b) "Aggravated coercion" means that the actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person.
(c) "Aggravated force" means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon.
(d) "Intimate parts" includes the primary genital area, anus, groin, inner thighs, or buttocks of a male or female human being and the breasts of a female human being.
(e) "Mentally defective" means that a person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct.
(f) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause.
(g) "Physically helpless" means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
(h) "Sexual battery" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.
(i) "Victim" means the person alleging to have been subjected to criminal sexual conduct.

§SECTION 16-3-652. Criminal sexual conduct in the first degree

(1) A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances is proven:

(a) The actor uses aggravated force to accomplish sexual battery.
(b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act.
(c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

§SECTION 16-3-653. Criminal sexual conduct in the second degree

(1) A person is guilty of criminal sexual conduct in the second degree if the actor uses aggravated coercion to accomplish sexual battery.

§SECTION 16-3-654. Criminal sexual conduct in the third degree

(1) A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances is proven:

(a) The actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances.
(b) The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery.

§SECTION 16-3-655. Criminal sexual conduct with minor; aggravating and mitigating circumstances; penalties; repeat offenders

(A) A person is guilty of criminal sexual conduct with a minor in the first degree if:
(1) the actor engages in sexual battery with a victim who is less than eleven years of age; or
(2) the actor engages in sexual battery with a victim who is less than sixteen years of age and the actor has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in §Section 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to §Section 23-3-430 (D).
(B) A person is guilty of criminal sexual conduct with a minor in the second degree if:
(1) the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age; or
(2) the actor engages in sexual battery with a victim who is at least fourteen years of age but who is less than sixteen years of age and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. However, a person may not be convicted of a violation of the provisions of this item if he is eighteen years of age or less when he engages in consensual sexual conduct with another person who is at least fourteen years of age.

(C) A person is guilty of criminal sexual conduct with a minor in the third degree if the actor is over fourteen years of age and the actor willfully and lewdly commits or attempts to commit a lewd or lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child. However, a person may not be convicted of a violation of the provisions of this subsection if the person is eighteen years of age or less when the person engages in consensual lewd or lascivious conduct with another person who is at least fourteen years of age.

§SECTION 16-3-656. Criminal sexual conduct: assaults with intent to commit.

Assault with intent to commit criminal sexual conduct described in the above §§Sections shall be punishable as if the criminal sexual conduct was committed.

§SECTION 16-3-615. Spousal sexual battery

Sexual battery, as defined in §Section 16-3-651 (h), when accomplished through use of aggravated force, defined as the use or the threat of use of a weapon or the use or threat of use of physical force or physical violence of a high and aggravated nature, by one spouse against the other spouse if they are living together, constitutes the felony of spousal sexual battery and, upon conviction, a person must be imprisoned not more than ten years.

§SECTION 16-15-20. Incest

Any persons who shall have carnal intercourse with each other within the following degrees of relationship, to wit:

(1) A man with his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister or mother's sister; or

(2) A woman with her father, grandfather, son, grandson, stepfather, brother, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother or mother's brother;

Shall be guilty of incest and shall be punished by a fine of not less than five hundred dollars or imprisonment not less than one year in the Penitentiary, or both such fine and imprisonment.

§SECTION 16-15-120. Buggery

Whoever shall commit the abominable crime of buggery, whether with mankind or with beast, shall, on
conviction, be guilty of felony and shall be imprisoned in the Penitentiary for five years or shall pay a fine of not less than five hundred dollars, or both, at the discretion of the court.

Sodomy may be covered under the above listed Buggery statute. South Carolina does not have a specific statute for Sodomy.

Robbery
In South Carolina, the crime of Robbery and Strong Arm Robbery is considered to be a common law offense defined as the larceny from a person or the immediate presence thereof by force or intimidation.

§SECTION 16-11-330. Robbery and attempted robbery while armed with deadly weapon

(A) A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony.

(B) A person who commits attempted robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony.

Aggravated Assault

§SECTION 16-3-600. Assault and battery

(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.

(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.
(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.

§SECTION 16-25-65. Criminal domestic violence of a high and aggravated nature; elements; penalty; conditional probation; statutory offense

(A) A person who violates §Section 16-25-20 (A) is guilty of the offense of criminal domestic violence of a high and aggravated nature when one of the following occurs. The person commits:

(1) an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim; or
(2) an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death.

Burglary

§SECTION 16-11-311. Burglary; first degree

(A) A person is guilty of burglary in the first degree if the person enters a dwelling without consent and with intent to commit a crime in the dwelling, and either:

(1) when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime:
   (a) is armed with a deadly weapon or explosive; or
   (b) causes physical injury to a person who is not a participant in the crime; or
   (c) uses or threatens the use of a dangerous instrument; or
   (d) displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; or
(2) the burglary is committed by a person with a prior record of two or more convictions for burglary or housebreaking or a combination of both; or
(3) the entering or remaining occurs in the nighttime.

(B) Burglary in the first degree is a felony punishable by life imprisonment. For purposes of this §Section, "life" means until death. The court, in its discretion, may sentence the defendant to a term of not less than fifteen years.

§SECTION 16-11-312. Burglary; second degree
(A) A person is guilty of burglary in the second degree if the person enters a dwelling without consent and with intent to commit a crime therein.

(B) A person is guilty of burglary in the second degree if the person enters a building without consent and with intent to commit a crime therein, and either:

1. When, in effecting entry or while in the building or in immediate flight therefrom, he or another participant in the crime:
   a. Is armed with a deadly weapon or explosive; or
   b. Causes physical injury to any person who is not a participant in the crime; or
   c. Uses or threatens the use of a dangerous instrument; or
   d. Displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; or
2. The burglary is committed by a person with a prior record of two or more convictions for burglary or housebreaking or a combination of both; or
3. The entering or remaining occurs in the nighttime.

§SECTION 16-11-313. Burglary; third degree

(A) A person is guilty of burglary in the third degree if the person enters a building without consent and with intent to commit a crime therein.

Motor Vehicle Theft

Motor vehicle theft is covered under the below listed larceny statute. South Carolina does not have a specific statute for motor vehicle theft.

§SECTION 16-13-30. Petit larceny; grand larceny

(A) Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of property of which by law larceny may be committed, or of any fixture, part, or product of the soil severed from the soil by an unlawful act, or has a value of two thousand dollars or less, is petit larceny, a misdemeanor, triable in the magistrates court or municipal court, notwithstanding the provisions of §§Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.

B) Larceny of goods, chattels, instruments, or other property valued in excess of two thousand dollars is grand larceny. Upon conviction, the person is guilty of a felony and must be fined in the discretion of the court or imprisoned not more than:

1. five years if the value of the property is more than two thousand dollars but less than ten thousand dollars;
2. ten years if the value of the property is ten thousand dollars or more.
§SECTION 16-11-10. Arson

(A) A person who willfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures a burning that results in damage to a dwelling house, building, structure, or any property whether the property of himself or another, which results, either directly or indirectly, in the death of a person is guilty of the felony of arson in the first degree and, upon conviction, must be imprisoned not less than thirty years.

(B) A person who willfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures a burning that results in damage to a dwelling house, building, structure, or any property whether the property of himself or another, which results, either directly or indirectly, in serious bodily injury to a person is guilty of the felony of arson in the second degree and, upon conviction, must be imprisoned not less than three nor more than twenty-five years.

(C) A person who willfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures a burning that results in damage to a dwelling house, building, structure, or any property, whether the property of himself or another, which results, either directly or indirectly, in bodily injury to a person or damage to the property is guilty of the felony of arson in the third degree and, upon conviction, must be imprisoned not more than fifteen years.

§SECTION 16-11-200. Placing or distributing combustible materials and the like in buildings and property as constituting attempt.

The placing or distributing of any inflammable, explosive or combustible materials or substance or any device in any building or property mentioned in §§Sections 16-11-110 to 16-11-140 in an arrangement or preparation with intent eventually willfully and maliciously to set fire to or burn the same or to procure the setting fire to or burning of the same shall for the purposes of §Section 16-11-190 constitute an attempt to burn such building or property.

SECTION B: HATE CRIMES

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity / national origin.

Of the crimes described above, and any other crime involving bodily injury to any person and the crimes of larceny – theft, simple assault, intimidation and vandalism (described below), in which the victim is intentionally selected because of the actual or perceived race, gender identity, religion, sexual orientation, ethnicity, national origin or disability of the victim that are reported to campus security authorities or local police agency, the data shall be collected and reported according to category of prejudice.

Larceny-theft

§SECTION 16-13-30. Petit larceny; grand larceny

(A) Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of property of which by law larceny may be committed, or of any fixture, part, or product of the
soil severed from the soil by an unlawful act, or has a value of two thousand dollars or less, is petit
larceny, a misdemeanor, triable in the magistrates court or municipal court, notwithstanding the
provisions of §§Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65. Upon conviction, the person must
be fined not more than one thousand dollars, or imprisoned not more than thirty days.

B) Larceny of goods, chattels, instruments, or other property valued in excess of two thousand dollars is
grand larceny. Upon conviction, the person is guilty of a felony and must be fined in the discretion of the
court or imprisoned not more than:

(1) five years if the value of the property is more than two thousand dollars but less than ten thousand
dollars;

(2) ten years if the value of the property is ten thousand dollars or more.

Simple Assault / Intimidation

§SECTION 16-3-600 Assault 3rd Degree

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.

*The above definition equates with the FBI UCR definition of intimidation with regards to hate crimes
when the offer to injure another person with the present ability do so is made but not actually carried
out.

Destruction, Damage, Vandalism of Property

§SECTION 16-11-510. Malicious injury to animals and other personal property

(A) It is unlawful for a person to willfully and maliciously cut, shoot, maim, wound, or otherwise injure or
destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of
personal property, or the goods and chattels of another.

§SECTION 16-11-520. Malicious injury to tree, house, outside fence, or fixture; trespass upon real
property.

(A) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure a
tree, house, outside fence, or fixture of another or commit any other trespass upon real property of
another.

SECTION C: STALKING, DATING VIOLENCE, DOMESTIC VIOLENCE,
SEXUAL ASSAULTS

Stalking

§SECTION 16-3-1700. Definitions

As used in this article:

(A) "Harassment in the first degree" means a pattern of intentional, substantial, and unreasonable
intrusion into the private life of a targeted person that serves no legitimate purpose and causes the
person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the first degree may include, but is not limited to:

(1) following the targeted person as he moves from location to location;

(2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency;

(3) surveillance of or the maintenance of a presence near the targeted person's:
   (a) residence;
   (b) place of work;
   (c) school; or
   (d) another place regularly occupied or visited by the targeted person; and

(4) vandalism and property damage.

(B) "Harassment in the second degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the second degree may include, but is not limited to, verbal, written, or electronic contact that is initiated, maintained, or repeated.

(C) "Stalking" means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:

(1) death of the person or a member of his family;
(2) assault upon the person or a member of his family;
(3) bodily injury to the person or a member of his family;
(4) criminal sexual contact on the person or a member of his family;
(5) kidnapping of the person or a member of his family; or
(6) damage to the property of the person or a member of his family.

(D) "Pattern" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

(E) "Family" means a spouse, child, parent, sibling, or a person who regularly resides in the same household as the targeted person.
(F) "Electronic contact" means any transfer of signs, signals, writings, images, sounds, data, intelligence, or information of any nature transmitted in whole or in part by any device, system, or mechanism including, but not limited to, a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

(G) This §Section does not apply to words or conduct protected by the Constitution of this State or the United States, a law enforcement officer or a process server performing official duties, or a licensed private investigator performing services or an investigation as described in detail in a contract signed by the client and the private investigator pursuant to §Section 40-18-70.

(H) A person who commits the offense of harassment in any degree or stalking, as defined in this §Section, while subject to the terms of a restraining order issued by the family court may be charged with a violation of this article and, upon conviction, may be sentenced pursuant to the provisions of §Section 16-3-1710, 16-3-1720, or 16-3-1730.

Dating Violence

The State of South Carolina does not have a specific criminal code pertaining to dating violence. Dating violence, as defined in the Violence Against Women Amendment to the Clery Act is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

For the purposes of this definition dating violence includes, but it not limited to, sexual or physical abuse or the threat of such abuse as defined in the previously described statutes. Dating violence does not include acts covered under the definition of domestic violence.

§SECTION 16-3-600 Assault 3rd Degree

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.

*The above definition equates with the VAWA definition of intimidation with regards to dating violence crimes when the offer to injure another person with the present ability do so is made but not actually carried out.

Domestic Violence

§SECTION 16-25-20. Domestic violence (DV)

(A) It is unlawful to:

(1) cause physical harm or injury to a person's own household member; or

(2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

§SECTION 16-25-65. Domestic violence of a high and aggravated nature (DVHAN)

(A) A person who violates §Section 16-25-20 (A) is guilty of the offense of criminal domestic violence of a
high and aggravated nature when one of the following occurs. The person commits:

(1) the offense under circumstances manifesting extreme indifference to the value of human life AND great bodily injury results; OR

(2) commits the offense, with or without an accompanying battery AND under circumstances manifesting extreme indifference to the value of human life, AND would reasonably cause a person to fear imminent great bodily injury or death; OR

(3) commits DV-1st AND violates a protection order in the process.

Sexual Assaults

The definitions of sexual assaults are listed in the previous Section A under sex assaults.

SECTION D: DRUG, ALCOHOL, AND WEAPON VIOLATIONS

Below is a summary of South Carolina alcohol, drug laws, and weapon laws. This is not meant to be an exhaustive listing:

Drug and Alcohol laws

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<tr>
<td>STATE LAW - ALCOHOL</td>
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<tr>
<td>Purchase, consumption or possession of beer, wine or alcoholic liquors under the age of 21</td>
<td>Fine of $100 - $200 and/or imprisonment for not more than 30 days. Required completion alcohol prevention program.</td>
<td>§63-19-2440 §63-19-2450</td>
</tr>
<tr>
<td>Lying or providing false information about age for purpose of purchasing beer, wine or alcoholic liquors</td>
<td>Fine of $100 - $200 and/or imprisonment for not more than 30 days.</td>
<td>§ 61-4-60</td>
</tr>
<tr>
<td>Open container of beer or wine in motor vehicle</td>
<td>Fine up to $100 or imprisonment for not more than 30 days.</td>
<td>§ 61-4-110</td>
</tr>
<tr>
<td>Purchase of beer or wine for underage person</td>
<td>Fine of $200 - $300 and/or imprisonment for not more than 30 days for 1st offense.</td>
<td>§ 61-4-80</td>
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<td>Fine of $400 - $500 and/or imprisonment for not more than 30</td>
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<tr>
<td>Transfer of beer or wine to underage person</td>
<td>Fine of $200 - $300 and/or imprisonment for not more than 30 days for 1st offense. Fine of $400 - $500 and/or imprisonment for not more than 30 days for 2nd or subsequent offense. see also §61-6-4070 May be sentenced under both statutes for same offense.</td>
<td>§ 61-4-90</td>
</tr>
<tr>
<td>Altering and Fraudulent Use of Driver's License</td>
<td>Fine up to $200 or imprisonment for not more than 30 days for 1st offense. Fine up to $500 or imprisonment for not more than 6 months for 2nd or subsequent offense.</td>
<td>§ 56-1-510</td>
</tr>
<tr>
<td>Operation a Motor Vehicle while Under the Influence of Drugs or Alcohol or Driving with an Unlawful Alcohol Concentration</td>
<td>Fines and/or imprisonment vary depending on number of offenses. Also suspension of license and required completion of Alcohol and Drug Safety program pursuant to § 56-5-2990. Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941)</td>
<td>§ 56-5-2930, § 56-5-2933</td>
</tr>
<tr>
<td>Felony Driving Under the Influence causing bodily harm or death to someone while driving under the influence of alcohol, drugs or any combination thereof</td>
<td>Fine of $5,100 - $10,100 and mandatory imprisonment for 30 days - 15 years when great bodily injury results. Fine of $10,100 - $25,100 and mandatory imprisonment for 1 to 25 years when death results. Can also require installation of ignition interlock device for subsequent offender (§ 56-5-2941)</td>
<td>§ 56-5-2945</td>
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<tr>
<td>§ 16-17-490</td>
<td>Contributing to Delinquency of a Minor - It is against the law for any person over 18 years of age to knowingly and willfully influence a minor to violate a law or ordinance.</td>
<td>Fine up to $3,000 and/or imprisonment for not more than 3 years</td>
</tr>
<tr>
<td>§ 16-17-530</td>
<td>Public Disorderly Conduct</td>
<td>Fine up to $100 or imprisonment up to 30 days.</td>
</tr>
<tr>
<td>§ 16-4-140</td>
<td>Open Containers on Sundays (between 12:00 Saturday night and sunrise Monday morning)</td>
<td>Fine up to $100 or imprisonment up to 30 days.</td>
</tr>
<tr>
<td>§ 44-53-370</td>
<td><strong>STATE LAW - DRUGS</strong></td>
<td>Penalties vary depending on circumstances of arrest, the drug type, and the amount.</td>
</tr>
<tr>
<td>§ 44-53-375</td>
<td>Possession and Distribution of Controlled Substances (i.e., cocaine, crack, marijuana, etc.)</td>
<td>Penalty varies depending on circumstances of the arrest.</td>
</tr>
<tr>
<td>§ 44-53-445</td>
<td>Possession manufacturing and trafficking of methamphetamine and cocaine based and other controlled substances</td>
<td>Penalty varies depending on circumstances and drug. Fines can exceed $10,000 and/or imprisonment for up to 15 years.</td>
</tr>
<tr>
<td>§ 44-53-391</td>
<td>Distribution of Controlled Substance within Proximity of a School</td>
<td>Fine up to $500 for individual. Fine up to $50,000 for corporations</td>
</tr>
<tr>
<td>§ 44-53-378</td>
<td>Possession or Sale of Drug Paraphernalia</td>
<td>1st Offense - up to $5,000 fine and/or 5 years imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2nd or Subsequent Offense - up to $10,000 fine and/or up to 10 years imprisonment.</td>
</tr>
</tbody>
</table>
Disposal of waste from production of methamphetamine

1st Offense - up to $5,000 fine and/or 5 years imprisonment

2nd or Subsequent Offense - up to $10,000 fine and/or up to 10 years imprisonment.

FEDERAL LAW - DRUGS

Summary of federal laws related to illicit drugs: Federal law prohibits the possession and distribution of illegal drugs. The severity of sanction imposed depends on the type and quantity of drugs, prior convictions, and whether death or serious injury occurred. Penalties can be increased for offenses which involve distribution to minors. Federal laws require or permit forfeiture of personal or real property used to illegally possess, facilitate possession, transport or conceal a controlled substance. A person's ability to purchase a firearm or receive federal benefits such as student loans, grants, contracts or professional or commercial licenses may be revoked or denied as a result of drug conviction.

For more detailed information about federal drug possession and trafficking penalties, see http://www.justice.gov/dea/druginfo/ftp3.shtml.

Weapon laws

§SECTION 16-23-420. Possession of firearm on school property; concealed weapons.

(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this sub§Section related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(B) It is unlawful for a person to enter the premises or property described in sub§Section (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this §Section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This §Section does not apply to a guard, law enforcement officer, or member of the armed forces, or
student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this §Section.

§SECTION 16-23-460. Carrying concealed weapons; forfeiture of weapons.

(A) A person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor.

§SECTION 16-23-20. Unlawful carrying of handgun; exceptions.

It is unlawful for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited by law:

(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor’s constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy law enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;

(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;

(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;

(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;

(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;

(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;

(8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;

(9) a person in a vehicle if the handgun is:
(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance; or

(b) concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;

(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;

(11) a prison guard while engaged in his official duties;

(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);

(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to §Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;

(14) a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);

(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this §Section where one may legally possess the handgun.

(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.

§SECTION 16-23-30. Sale or delivery of handgun to and possession by certain persons unlawful; stolen handguns.

(A) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to:

(1) a person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions, or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent;

(2) a person who is a member of a subversive organization;
(3) a person under the age of eighteen, but this shall not apply to the issue of handguns to members of
the Armed Forces of the United States, active or reserve, National Guard, State Militia, or R. O. T. C.,
when on duty or training or the temporary loan of handguns for instructions under the immediate
supervision of a parent or adult instructor; or

(4) a person who by order of a circuit judge or county court judge of this State has been adjudged unfit
to carry or possess a firearm, such adjudication to be made upon application by any police officer, or by
any prosecuting officer of this State, or sua sponte, by the court, but a person who is the subject of such
an application is entitled to reasonable notice and a proper hearing prior to any such adjudication.

(B) It is unlawful for a person enumerated in subSection (A) to possess or acquire handguns within this
State.

(C) A person shall not knowingly buy, sell, transport, pawn, receive, or possess any stolen handgun or
one from which the original serial number has been removed or obliterated.