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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-15-370 SO AS TO MAKE IT UNLAWFUL TO COMMUNICATE PROFANITY IN A PUBLIC FORUM OR PLACE OF PUBLIC ACCOMMODATION; BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSE OF DISSEMINATING PROFANITY TO A MINOR AND PROVIDE A PENALTY FOR THE OFFENSE; TO AMEND SECTION 16-15-305, RELATING TO DISSEMINATING OBSCENITY, SO AS TO SPECIFY BOTH ORAL AND WRITTEN PUBLICATIONS; AND TO AMEND SECTION 16-15-375, RELATING TO DEFINITIONS FOR PURPOSES OF MORALITY AND DECENCY OFFENSES AGAINST MINORS, SO AS TO INCLUDE THE OFFENSE OF DISSEMINATING PROFANITY TO A MINOR.

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

SECTION 1. Article 3, Chapter 15, Title 16 of the 1976 Code is amended by adding:

“Section 16-15-370. (A) It is unlawful for a person in a public forum or place of public accommodation wilfully and knowingly to publish orally or in writing, exhibit, or otherwise make available material containing words, language, or actions of a profane, vulgar, lewd, lascivious, or indecent nature.

(B) 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.”

1 SECTION 2. Article 3, Chapter 15, Title 16 of the 1976 Code is
2 amended by adding:

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4 “Section 16-15-430. (A) It is unlawful for a person to
5 disseminate profanity to a minor if he wilfully and knowingly
6 publishes orally or in writing, exhibits, or otherwise makes
7 available material containing words, language, or actions of
8 profane, vulgar, lewd, lascivious, or indecent nature.

9 (B) A person who violates the provisions of this section is
10 guilty of a felony and, upon conviction, must be fined not more
11 than five thousand dollars or imprisoned not more than five years,
12 or both.”

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14 SECTION 3. Section 16-15-305(A)(3) of the 1976 Code is
15 amended to read:

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17 “(3) publishes orally or in writing, exhibits, or otherwise makes
18 available anything obscene to ~~any~~ a group or individual; or”

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20 SECTION 4. The first undesignated paragraph of Section
21 16-15-375 of the 1976 Code is amended to read:

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23 “The following definitions apply to Section 16-15-385,
24 disseminating or exhibiting to minors harmful material or
25 performances; Section 16-15-387, employing a person under the
26 age of eighteen years to appear in a state of sexually explicit nudity
27 in a public place; Section 16-15-395, first degree sexual
28 exploitation of a minor; Section 16-15-405, second degree sexual
29 exploitation of a minor; Section 16-15-410, third degree sexual
30 exploitation of a minor; Section 16-15-415, promoting prostitution
31 of a minor; ~~and~~ Section 16-15-425, participating in prostitution of
32 a minor; and Section 16-15-430, disseminating profanity to a
33 minor.”

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35 SECTION 5. The repeal or amendment by this act of any law,
36 whether temporary or permanent or civil or criminal, does not
37 affect pending actions, rights, duties, or liabilities founded thereon,
38 or alter, discharge, release or extinguish any penalty, forfeiture, or
39 liability incurred under the repealed or amended law, unless the
40 repealed or amended provision shall so expressly provide. After
41 the effective date of this act, all laws repealed or amended by this
42 act must be taken and treated as remaining in full force and effect
43 for the purpose of sustaining any pending or vested right, civil

1 action, special proceeding, criminal prosecution, or appeal existing
2 as of the effective date of this act, and for the enforcement of
3 rights, duties, penalties, forfeitures, and liabilities as they stood
4 under the repealed or amended laws.

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6 SECTION 6. This act takes effect upon approval by the Governor.

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