

South Carolina General Assembly
126th Session, 2025-2026

A57, R82, S28

STATUS INFORMATION

General Bill

Sponsors: Senators Hutto, Reichenbach, Goldfinch, Leber, Jackson, Alexander, Rice, Fernandez, Campsen, Chaplin, Devine, Adams, Young, Garrett, Elliott, Turner, Ott, Graham, Sutton, Cromer, Verdin, Kennedy, Climer and Zell

Companion/Similar bill(s): 3045, 3620

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Introduced in the Senate on January 14, 2025

Introduced in the House on February 19, 2025

Last Amended on May 8, 2025

Currently residing in the House

Governor's Action: May 22, 2025, Signed

Summary: AI Child Abuse

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/11/2024	Senate	Prefiled
12/11/2024	Senate	Referred to Committee on Judiciary
1/14/2025	Senate	Introduced and read first time
1/14/2025	Senate	Referred to Committee on Judiciary
1/17/2025	Senate	Referred to Subcommittee: Adams (ch), Reichenbach, Devine, Kennedy, Stubbs
2/5/2025	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 46)
2/6/2025		Scrivener's error corrected
2/11/2025	Senate	Committee Amendment Adopted (Senate Journal-page 9)
2/11/2025	Senate	Amended (Senate Journal-page 9)
2/12/2025	Senate	Amended (Senate Journal-page 14)
2/13/2025	Senate	Amended (Senate Journal-page 20)
2/13/2025	Senate	Read second time (Senate Journal-page 20)
2/13/2025	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 20)
2/18/2025	Senate	Read third time and sent to House (Senate Journal-page 21)
2/18/2025	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 21)
2/19/2025	House	Introduced and read first time (House Journal-page 62)
2/19/2025	House	Referred to Committee on Judiciary (House Journal-page 62)
4/30/2025	House	Committee report: Favorable with amendment Judiciary (House Journal-page 8)
5/1/2025	House	Amended (House Journal-page 53)
5/1/2025	House	Read second time (House Journal-page 53)
5/1/2025	House	Roll call Yeas-106 Nays-0 (House Journal-page 69)
5/1/2025	House	Unanimous consent for third reading on next legislative day (House

Journal-page 70)

5/2/2025 Scrivener's error corrected

5/2/2025 House Read third time and returned to Senate with amendments (House Journal-page 6)

5/6/2025 Senate House amendment amended (Senate Journal-page 84)

5/6/2025 Senate Returned to House with amendments (Senate Journal-page 84)

5/6/2025 Senate Roll call Ayes-45 Nays-0 (Senate Journal-page 84)

5/8/2025 House Non-concurrence in Senate amendment (House Journal-page 119)

5/8/2025 House Roll call Yeas-0 Nays-107 (House Journal-page 119)

5/8/2025 Senate Senate insists upon amendment and conference committee appointed Hutto, Kimbrell, Adams (Senate Journal-page 10)

5/8/2025 House Conference committee appointed T Moore, Wetmore, McCabe (House Journal-page 122)

5/8/2025 House Conference report adopted (House Journal-page 142)

5/8/2025 House Roll call Yeas-105 Nays-1 (House Journal-page 149)

5/8/2025 Senate Conference report adopted (Senate Journal-page 11)

5/8/2025 Senate Roll call Ayes-43 Nays-0 (Senate Journal-page 11)

5/8/2025 House Ordered enrolled for ratification (House Journal-page 153)

5/20/2025 Ratified R 82

5/22/2025 Signed By Governor

5/27/2025 Effective date 05/22/25

5/27/2025 Act No. 57

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VERSIONS OF THIS BILL

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NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.

(A57, R82, S28)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-390 SO AS TO CREATE THE OFFENSE OF OBSCENE VISUAL REPRESENTATIONS OF CHILD SEXUAL ABUSE, DEFINE TERMS, AND ESTABLISH PENALTIES; BY AMENDING SECTION 23-3-430, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO ADD THE OFFENSE OF OBSCENE VISUAL REPRESENTATIONS OF CHILD SEXUAL ABUSE TO THE SEX OFFENDER REGISTRY; AND BY AMENDING SECTION 23-3-462, RELATING TO TERMINATION OF REGISTRATION REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES.

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

Obscene visual representations of child sexual abuse, penalties

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

Section 16-15-390. (A) As used in this section:

(1) "Obscene" has the same meaning as Section 16-15-305.

(2) "Visual depiction or representation" means and includes undeveloped film and videotape, and data stored on a computer disk or by electronic means that is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means.

(B) Any person who knowingly produces, distributes, solicits, or

possesses with intent to distribute, a visual depiction or representation that depicts a minor engaging in sexually explicit conduct, sexually explicit activity, or sexually explicit nudity, and is obscene, or attempts or conspires to do so, is guilty of a felony and, upon conviction, must be imprisoned no more than ten years.

(C) Any person who knowingly possesses a visual depiction or representation that depicts a minor engaging in sexually explicit conduct, sexually explicit activity, or sexually explicit nudity, and is obscene, or attempts or conspires to do so is guilty of a felony and, upon conviction, must be imprisoned no more than ten years.

(D) The offense is a misdemeanor to be heard by the family court if the person charged under this section is a minor, and the minor has no prior adjudication under this section or for any offense for which a person may be included in the sex offender registry. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

(E) It is not a required element of any offense under this section that the minor depicted actually exists.

(F)(1) This section does not apply to an employee of a law enforcement agency, including the State Law Enforcement Division, a prosecuting agency, including the South Carolina Attorney General's Office or the South Carolina Department of Corrections, who, while acting within the employee's official capacity in the course of an investigation or criminal proceeding, is in possession of material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation. An employee's official capacity in the course of such investigation or criminal proceeding includes making materials available for inspection to the defendant's

counsel in response to discovery requests.

(2) This section does not apply to a provider of a telecommunications service or an information service, as those terms are defined in 47 U.S.C. Section 153, for content provided by another person.

(G) Any warrant for arrest for an alleged crime or offense under this section may only be issued upon:

(1) a return of a “true bill” of an indictment by the state grand jury; or

(2) a finding of probable cause following an investigation conducted by the Internet Crimes Against Children Task Force in conjunction with the Attorney General’s office.

Sex Offender Registry, addition

SECTION 2. Section 23-3-430(C) of the S.C. Code is amended to read:

(C)(1) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier I offender:

(a) criminal sexual conduct in the third degree (Section 16-3-654);

(b) kidnapping (Section 16-3-910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(c) incest (Section 16-15-20);

(d) buggery (Section 16-15-120);

(e) peeping, voyeurism, or aggravated voyeurism (Section

16-17-470);

(f) a person, regardless of age, who has been convicted or pled guilty or nolo contendere in this State, or who has been convicted or pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted or pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that, based on the circumstances of the case, the convicted person should register as a sex offender;

(g) sexual intercourse with a patient or trainee (Section 44-23-1150);

(h) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44-53-370(f), except petit larceny or grand larceny;

(i) any other offense as described in Section 23-3-430(D);

(j) any other offense required by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA); or

(k) obscene visual representation of child sexual abuse (Section 16-15-390). If the person is under eighteen years of age and was adjudicated in the family court, then the adjudicated minor is not an offender and is not required to register pursuant to the provisions of this article.

(2) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier II offender:

(a) criminal sexual conduct in the second degree (Section 16-3-653);

(b) engaging a child for sexual performance (Section 16-3-810);

(c) producing, directing, or promoting sexual performance by a child (Section 16-3-820);

(d) trafficking in persons (Section 16-3-2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(e) criminal sexual conduct with minors, second degree (Section 16-3-655(B)). If evidence is presented at the criminal proceeding, or in any court of competent jurisdiction, and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16-3-655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(f) criminal sexual conduct with minors, third degree (Section 16-3-655(C)). If evidence is presented at the criminal proceeding, or in any court of competent jurisdiction, and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16-3-655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(g) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

(i) persuade, induce, entice, or coerce the person solicited to

engage or participate in sexual activity as defined in Section 16-15-375(5);

(ii) perform a sexual activity in the presence of the person solicited (Section 16-15-342); or

(h) violations of Article 3, Chapter 15, Title 16 involving a minor, except as otherwise provided in this article.

(3) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier III offender:

(a) criminal sexual conduct in the first degree (Section 16-3-652);

(b) criminal sexual conduct with minors, first degree (Section 16-3-655(A));

(c) criminal sexual conduct: assaults with intent to commit (Section 16-3-656);

(d) kidnapping (Section 16-3-910) of a person under eighteen years of age except when the offense is committed by a parent;

(e) criminal sexual conduct when the victim is a spouse (Section 16-3-658);

(f) sexual battery of a spouse (Section 16-3-615); or

(g) any offense listed or described in this section committed after the offender becomes a Tier I or Tier II offender.

Sex Offender Registry, conforming changes

SECTION 3. Section 23-3-462(A) of the S.C. Code is amended to read:

(A) After successful completion of the requirements of this section, an offender may apply to the South Carolina Law Enforcement Division for the termination of the requirements of registration pursuant to this article.

If it is determined that the offender has met the requirements of this section, SLED shall remove the offender's name and identifying information from the sex offender registry and shall notify the offender within one hundred twenty days that the offender has been relieved of the registration requirements of this article.

(1) A Tier I offender may file a request for termination of the requirement of registration with SLED in a form and process established by the agency, if the person:

(a) has been registered for at least fifteen years; or

(b) has been discharged from incarceration without supervision for at least fifteen years for the charge requiring registration; or

(c) has had at least fifteen years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration; or

(d) is a Tier I offender who was required to register as an offender because of a conviction in another state or because of a federal conviction and who is eligible to be removed under the laws of the jurisdiction where the conviction occurred.

(2) A Tier II offender may file a request for termination of the requirement of registration with SLED in a form and process established by the agency, if the person:

(a) has been registered for at least twenty-five years;

(b) has been discharged from incarceration without supervision for at least twenty-five years for the charge requiring registration;

(c) has had at least twenty-five years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration; or

(d) is a Tier II offender who was required to register as an offender because of a conviction in another state or because of a federal

conviction and who is eligible to be removed under the laws of the jurisdiction where the conviction occurred.

(3) An offender who was convicted as an adult, and who is required to register as a Tier III offender may not file a request for termination of registration with SLED nor shall any such request be granted pursuant to this subsection.

(4) The requesting offender must have successfully completed all sex offender treatment programs that have been required.

(5) The requesting offender must not have been convicted of failure to register within the previous ten years.

(6) The offender must not have been convicted of any additional sexual offense or violent sexual offense after being placed on the registry.

(7) A filing fee, as set by SLED but not to exceed two hundred fifty dollars, shall be paid to file the request for termination of registration requirements. The initial application may be filed with SLED and the administrative review may begin one hundred twenty days prior to the date specified in subsection (A)(1); however, any removal may not occur prior to the date specified.

Educating students

SECTION 4. The State Department of Education, the South Carolina Law Enforcement Division, and the Attorney General's Office, as appropriate, shall develop and implement a policy to educate and notify students of the provision of this act. 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 Representative, by July 1, 2026.

Severability clause

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

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

Ratified the 20th day of May, 2025.

Approved the 22nd day of May, 2025.
