

# SOUTH CAROLINA SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

### **South Carolina Law Enforcement Division**

Sex-Offender Registry

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[http://www.sled.state.sc.us/SLED/default.asp?Category=SCSO&Service=SCSO\\_01](http://www.sled.state.sc.us/SLED/default.asp?Category=SCSO&Service=SCSO_01)

## NUMBER OF REGISTERED SEX OFFENDERS

6,496 as of March 26, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

Any person, regardless of age, residing in South Carolina who, in South Carolina has been convicted of, adjudicated delinquent for, pled guilty or *nolo contendere* to a sex offense, who has been convicted, adjudicated delinquent, pled guilty or *nolo contendere* in any comparable state court in the United States, who has been convicted, adjudicated delinquent, pled guilty or *nolo contendere* in a U.S. federal court of a similar offense, or who has been convicted of, adjudicated delinquent for, pled guilty or *nolo contendere* to an offense for which he or she was required to register in the state where the conviction or plea occurred, is required to register.

*(S.C. Code Ann. § 23-3-430(A))*

### **2. WHAT DOES “SEX OFFENSE” MEAN?**

“Sex offense” means:

- (1) criminal sexual conduct in the first, second, or third degree;
- (2) criminal sexual conduct with minors in the first or second degree;
- (3) engaging a minor for a sexual performance;
- (4) producing, directing, or promoting a sexual performance by a minor;
- (5) assault with the intent to commit criminal sexual conduct;
- (6) incest;
- (7) buggery;
- (8) committing or attempting a lewd act upon a minor under 16;
- (9) peeping, voyeurism, or aggravated voyeurism;
- (10) violations involving the following offenses:
  - (a) obscenity involving a minor;
  - (b) material harmful to a minor;
  - (c) child exploitation; or
  - (d) child prostitution;
- (11) indecent exposure, if a court makes a specific finding on the record that, based on the circumstances of the case, the offender should register as a sex offender;
- (12) kidnapping:
  - (a) of a person 18 or older except when a court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense; or
  - (b) of a person under 18 except when the offense is committed by a parent;
- (13) criminal sexual conduct when the victim is a spouse;
- (14) sexual battery of a spouse; or
- (15) sexual intercourse with a patient or trainee.

*(S.C. Code Ann. § 23-3-430(C))*

**3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

A juvenile offender who is adjudicated delinquent for a sex offender may be required to register.  
*(S.C. Code Ann. § 23-3-430(A); §§ 23-3-490(D)(3), (D)(4))*

**4. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

An offender must register with the sheriff of the county in which he or she intends to reside within 24 hours of his or her release.

*(S.C. Code Ann. § 23-3-440(1))*

An offender who is sentenced to probation must register within 10 days of sentencing with the sheriff of the county in which he or she intends to reside.

*(S.C. Code Ann. § 23-3-440(2))*

A juvenile offender must register with the sheriff of the county in which he or she resides within 24 hours of his or her release or within 10 days if he or she was not confined to a Department of Juvenile Justice facility.

*(S.C. Code Ann. § 23-3-440(3))*

**5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

The Department of Corrections; Department of Probation, Parole, and Pardon Services; and the Department of Juvenile Justice provide initial registration information, including an offender's description and photograph, to the State Law Enforcement Division.

*(S.C. Code Ann. §§ 23-3-440(1)-(2), (4))*

To register with a county sheriff, an offender must provide information prescribed by the State Law Enforcement Division.

*(S.C. Code Ann. § 23-3-450)*

**6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

If an offender who is required to register changes his or her address to another county in South Carolina, he or she must register with the county sheriff in the new county within 10 days of establishing the new residence. The offender must also provide written notice within 10 days of the change of address in the previous county to the county sheriff with whom he or she last registered.

*(S.C. Code Ann. § 23-3-460)*

An offender who is required to register and who is employed by, enrolled at, or carries on a vocation at an institution of higher education must provide written notice within 10 days of each change in enrollment, employment, or vocation status at an institution of higher education in South Carolina.

*(S.C. Code Ann. § 23-3-460)*

**7. WHAT HAPPENS IF AN OFFENDER MOVES FROM SOUTH CAROLINA TO ANOTHER STATE?**

If an offender who is required to register moves outside of South Carolina, he or she must provide written notice within 10 days of the change of address to a new state to the county sheriff with whom he or she last registered.

*(S.C. Code Ann. § 23-3-460)*

**8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO SOUTH CAROLINA REQUIRED TO REGISTER?**

An offender who is required to register and who moves to South Carolina from another state and is not under the jurisdiction of the Department of Corrections; the Department of Probation, Parole and Pardon Services; or the Department of Juvenile Justice at the time of moving to South Carolina must register within 10 days of establishing residence in South Carolina.

*(S.C. Code Ann. § 23-3-460)*

**9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN SOUTH CAROLINA?**

An offender who remains in South Carolina for a total of 30 days during a 12-month period must register.

*(S.C. Code Ann. § 23-3-430(B))*

**10. IS REGISTRATION A LIFETIME REQUIREMENT?**

An offender who is required to register must do so for life.

*(S.C. Code Ann. § 23-3-460)*

**11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

An offender who is convicted for a first offense of failing to register is guilty of a misdemeanor and must be imprisoned for a mandatory period of 90 days, no part of which will be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-470(B)(1))*

An offender convicted for a second offense of failing to register is guilty of a misdemeanor and must be imprisoned for a mandatory period of one year, no part of which will be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-470(B)(2))*

An offender convicted for a third or subsequent offense of failing to register is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which will not be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-470(B)(3))*

An offender convicted for a first offense for knowingly and willfully giving false registration information is guilty of a misdemeanor and must be imprisoned for a mandatory period of 90 days, no part of which will be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-475(B)(1))*

An offender convicted for a second offense of knowingly and willfully giving false registration information is guilty of a misdemeanor and must be imprisoned for a mandatory period of one year, no part of which will be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-475(B)(2))*

An offender convicted for a third or subsequent offense of knowingly and willfully giving false registration information is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which will not be suspended nor probation granted.

*(S.C. Code Ann. § 23-3-475(B)(3))*

## 12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Information collected for the offender registry is open to public inspection, upon request to the county sheriff. A sheriff must release information regarding an offender who is required to register to a member of the public if the request is made in writing, on a form prescribed by the State Law Enforcement Division. The sheriff must provide the person making the request with the full names of the registered sex offenders; any aliases; any other identifying physical characteristics; each offender's date of birth; the home address on file; the offense for which the offender was required to register; and the date, city, and state of conviction. A photocopy of a current photograph must also be provided. Information on an offender adjudicated delinquent for one of the following offenses is made available to the public in the same way:

- (1) criminal sexual conduct in the first or second degree;
- (2) criminal sexual conduct with minors in the first or second degree;
- (3) engaging a minor for sexual performance;
- (4) producing, directing, or promoting a sexual performance by a minor; or
- (5) kidnapping.

*(S.C. Code Ann. §§ 23-3-490(A), (D)(1))*

The sheriff must provide to a newspaper with general circulation within the county a listing of the registry for publication.

*(S.C. Code Ann. § 23-3-490(A))*

A person may request from the State Law Enforcement Division, on a form prescribed by the State Law Enforcement Division, a list of registered sex offenders residing in a city, county, or zip code zone or a list of all registered sex offenders within South Carolina.

*(S.C. Code Ann. § 23-3-490(B))*

A person may request from the State Law Enforcement Division information regarding a specific person who is required to register if the person requesting the information provides the name or address of the person about whom the information is sought. The State Law Enforcement Division must provide the person making the request with the full names of the requested registered sex offenders; any aliases; any other identifying physical characteristics; each offender's date of birth; the home address on file; the offense for which the offender was required to register; and the date, city, and state of conviction. Information on an offender adjudicated delinquent for one of the following offenses is made available to the public in the same way:

- (1) criminal sexual conduct in the first or second degree;
- (2) criminal sexual conduct with minors in the first or second degree;
- (3) engaging a minor for sexual performance;
- (4) producing, directing, or promoting a sexual performance by a minor; or
- (5) kidnapping.

*(S.C. Code Ann. §§ 23-3-490(B), (D)(1))*

The sheriff must notify the principals of public and private schools and the administrator of child daycare centers and family daycare centers of any offender whose address is within one-half mile of the school or business.

*(S.C. Code Ann. § 23-3-490(C))*

Information on an offender adjudicated delinquent in family court for one of the following offenses is available, upon request, to victims of or witnesses to the offense, public or private schools, child daycare centers, family daycare centers, and businesses or organizations that primarily serve children, women, or vulnerable adults:

- (1) criminal sexual conduct in the third degree;
- (2) assault with the intent to commit criminal sexual conduct;
- (3) assault with the intent to commit criminal sexual conduct with a minor;
- (4) committing or attempting a lewd act upon a minor under 16;
- (5) peeping;
- (6) incest;
- (7) buggery;
- (8) felony violations involving the following offenses:
  - (a) obscenity involving a minor;
  - (b) material harmful to a minor;
  - (c) child exploitation; or
  - (d) child prostitution; or
- (9) indecent exposure.

(S.C. Code Ann. § 23-3-490(D)(2))

An offender's name and any other information collected for the offender registry is not available to the public if the offender was under 12 at the time of his or her adjudication, conviction, guilty plea, or plea of *nolo contendere* for a first sex offense.

(S.C. Code Ann. § 23-3-490(D)(3))

All registry information concerning an offender who is under 12 at the time of his or her adjudication, conviction, guilty plea, or plea of *nolo contendere* for any sex offense and who has a prior adjudication, conviction, guilty plea, or plea of *nolo contendere* for any sex offense is available to the public.

(S.C. Code Ann. § 23-3-490(D)(4))

### 13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The South Carolina State Law Enforcement Division maintains a web site that provides information on all registered adult sex offenders, age 17 and older, and for registered sex offenders, ages 12 to 16, who have committed any of the following offenses:

- (1) criminal sexual conduct in the first or second degree;
- (2) criminal sexual conduct with minors in the first or second degree;
- (3) engaging a minor for a sexual performance;
- (4) producing, directing, or promoting a sexual performance by a minor; or
- (5) kidnapping.

The web site can be searched by name, city, county, and zip code.

Information available on the web site includes the offender's:

- (1) name and aliases;
- (2) photograph, if available;
- (3) sex;
- (4) race;
- (5) date of birth and age;
- (6) height and weight;
- (7) hair, eye, and skin color;
- (8) last reported address;
- (9) offense(s);
- (10) scars, marks, or tattoos; and
- (11) whether or not he or she is a predator.

The website is available at: [http://www.sled.state.sc.us/SLED/default.asp?Category=SCSO&Service=SCSO\\_01](http://www.sled.state.sc.us/SLED/default.asp?Category=SCSO&Service=SCSO_01).

**14. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?**

A person who commits a criminal offense using information from the sex-offender registry must be punished as follows:

- (1) for a misdemeanor offense, the maximum fine prescribed by law for the offense may be increased by not more than \$1,000, and the maximum term of imprisonment prescribed by law for the offense may be increased by not more than six months; and
- (2) for a felony offense, the maximum term of imprisonment prescribed by law for the offense may be increased by not more than five years.

*(S.C. Code Ann. § 23-3-510)*