

South Carolina Increases Penalties for Sexual Exploitation of a Minor Charges Under New Law

South Carolina's new law increases penalties for Sexual Exploitation of a Minor charges, including higher mandatory prison sentences and expanded offenses.

LEXINGTON, SC, UNITED STATES, June 8, 2026 /EINPresswire.com/ -- South Carolina has enacted

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James R. Snell, Jr.

sweeping changes to its Sexual Exploitation of a Minor statutes, significantly increasing mandatory minimum prison sentences and expanding criminal liability in certain cases involving alleged child sexual abuse material. The legislation, H. 4804, was signed into law by Governor Henry McMaster on May 18, 2026, and took effect immediately.

The new law increases [penalties for Sexual Exploitation of a Minor](#) charges in the first, second, and third degree and creates enhanced punishment provisions in certain circumstances. The changes are expected to have a

substantial impact on individuals charged after the law's effective date.

According to South Carolina criminal defense attorney James R. Snell, Jr., the legislation reflects a continuing trend toward more aggressive prosecution and punishment of internet-related criminal allegations involving minors.

"These offenses were already among the most serious criminal charges prosecuted in South Carolina," said Snell. "The new legislation substantially increases sentencing exposure in many cases and makes it even more important for anyone under investigation to understand their rights and seek legal counsel as early as possible."

Mandatory Minimum Sentences Increased

One of the most significant changes involves increased mandatory minimum prison sentences for first and second degree Sexual Exploitation of a Minor offenses.

Under the new law, First Degree Sexual Exploitation of a Minor now carries a mandatory minimum sentence of five years imprisonment. These charges generally involve allegations that a person produced, directed, promoted, or participated in the creation of material depicting a minor engaged in sexual activity or sexually explicit nudity.

Second Degree Sexual Exploitation of a Minor now carries a mandatory minimum sentence of three years imprisonment. Prosecutors often pursue these charges in cases involving allegations of distributing, receiving, exchanging, selling, purchasing, or soliciting prohibited material.

New Tiered Penalties for Third Degree Charges

The legislation also creates a new tiered sentencing structure for [Third Degree Sexual Exploitation of a Minor](#) charges involving alleged possession of prohibited material.

Cases involving allegations of 1 to 25 images now carry a potential sentence of up to 10 years imprisonment.

Cases involving allegations of 26 to 250 images now carry a sentencing range of 1 to 10 years imprisonment.

Cases involving allegations involving more than 250 images now carry a sentencing range of 2 to 10 years imprisonment.

The law additionally establishes enhanced penalties for certain individuals already required to register as sex offenders who are later convicted under these statutes.

Expanding Criminal Laws to Address AI and Morphed Images

South Carolina lawmakers have also expanded portions of the state's criminal statutes to address evolving technology.

Recent legislative changes added definitions involving "identifiable minors" and "morphed images," potentially allowing prosecutors to pursue charges involving certain digitally altered or AI-generated content under specific circumstances.



James R. Snell, Jr., South Carolina
Criminal Defense Attorney

As artificial intelligence and image-generation technology continue to develop, legal issues involving computer-generated imagery are expected to become increasingly important in criminal investigations and prosecutions.

Investigations Frequently Involve Digital Forensics

Sexual Exploitation of a Minor investigations often involve extensive forensic examinations of electronic devices and online accounts.

Investigators commonly seek search warrants for cell phones, computers, cloud storage accounts, social media platforms, messaging applications, and internet activity records. Law enforcement agencies involved in these investigations may include local police departments, sheriff's offices, Internet Crimes Against Children (ICAC) task forces, the South Carolina Law Enforcement Division (SLED), Homeland Security Investigations, the South Carolina Attorney General's Office, and other state or federal agencies.

Because these cases often rely heavily on digital forensic evidence, legal issues may arise concerning device ownership, access by multiple users, file attribution, search warrant procedures, and the interpretation of electronic evidence.

Law Applies to New Charges

The legislation became effective immediately upon being signed into law on May 18, 2026.

In general, cases charged before that date remain subject to the prior sentencing framework, while qualifying charges brought after May 18, 2026 may be subject to the increased penalties established by the new law.

Questions involving offense dates, charging decisions, indictment amendments, and constitutional protections can be highly fact-specific and may require careful legal analysis.

About The Law Office of James R. Snell, Jr., LLC

The Law Office of James R. Snell, Jr., LLC represents individuals charged with criminal offenses throughout South Carolina, including internet crimes, computer-related offenses, [South Carolina sex crimes](#) and other serious felony allegations. The firm regularly represents clients in complex cases involving digital forensic evidence and electronic investigations. Attorney James R. Snell, Jr., is a graduate of the University of South Carolina School of Law, Harvard University and Limestone College. He is a member of the south Carolina Association of Criminal Defense Lawyers and the National Association of Criminal Defense Lawyers.

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