

A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS IN THE CHILDREN'S CODE, SO AS TO DEFINE "ELOPEMENT RISK," "APPROVED TRACKING DEVICE," AND "QUALIFIED BEHAVIORAL EXAMINER"; BY ADDING SECTION 63-7-925 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO CONDUCT SPECIALIZED ELOPEMENT AND ENVIRONMENTAL HAZARD ASSESSMENTS IN CASES INVOLVING VULNERABLE CHILDREN WITH DEVELOPMENTAL DISABILITIES; BY AMENDING SECTION 63-5-70, RELATING TO UNLAWFUL CONDUCT TOWARD A CHILD, SO AS TO CREATE A REBUTTABLE PRESUMPTION OF UNLAWFUL CONDUCT FOR THE INTENTIONAL REMOVAL, DISABLING, OR CONCEALMENT OF AN APPROVED TRACKING DEVICE, TO ESTABLISH FELONY OFFENSES AND ENHANCED CONSECUTIVE PENALTIES FOR KNOWINGLY MISLEADING RESCUE PERSONNEL, FABRICATING A CHILD'S LAST SEEN CIRCUMSTANCES, OR INTENTIONALLY DIRECTING SEARCH FORCES AWAY FROM KNOWN HAZARDS, AND TO PROVIDE THAT SUCH ACTIVE MISDIRECTION SHALL CONSTITUTE ADMISSIBLE EVIDENCE OF EXTREME INDIFFERENCE TO HUMAN LIFE UNDER SECTION 16-3-85; AND BY ADDING SECTION 63-7-1525 SO AS TO MANDATE TRAVEL SAFETY PLANS FOR VULNERABLE CHILDREN SUBJECT TO ACTIVE CHILD WELFARE INVESTIGATIONS OR SUPERVISION.

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

SECTION 1. Short Title

This act may be cited as the "Safeguarding and Enhancing Neurodivergent Tracking and Response Yield Act" or "The SENTRY Act (Saylor's Law)."

SECTION 2. Definitions

Section 63-7-20 of the South Carolina Code of Laws is amended by adding:

*"() '**Elopement Risk**' means a documented tendency, propensity, or established history of a minor to leave, wander, run away, or abscond from a safe, supervised environment without awareness of environmental hazards, traffic, or aquatic dangers, commonly associated with Autism Spectrum Disorder (ASD), Down syndrome, or other intellectual or developmental disabilities.*

*() '**Approved Tracking Device**' means any wearable radio-frequency locating unit, transmitter, or specialized global positioning satellite (GPS) technology officially issued, maintained, or monitored through a law enforcement agency, a county-administered missing-person safety initiative (including Project Lifesaver), or an authorized healthcare provider for the specific purpose of locating and recovering individuals with cognitive or developmental vulnerabilities.*

*() '**Qualified Behavioral Examiner**' means:*

(a) a Board Certified Behavior Analyst (BCBA or BCBA-D) licensed or certified in this State;

(b) a licensed clinical psychologist whose documented clinical scope includes developmental and intellectual disabilities; or



(c) an accredited university-affiliated institute, think tank, or professional child-advocacy organization under contract with or approved by the department to execute specialized behavioral assessments."

SECTION 3. Mandatory Specialized Risk Assessments

Article 9, Chapter 7, Title 63 of the South Carolina Code of Laws is amended by adding:

"Section 63-7-925.

*(A) In every intake, investigation, alternative response, family preservation plan, or safety plan conducted by the department involving a minor with a documented or suspected developmental disability or Autism Spectrum Disorder, the investigating caseworker must administer an **Elopement and Environmental Hazard Assessment (EEHA)** within forty-eight hours of initial agency contact.*

(B) The assessment required under subsection (A) must formally audit and document:

(1) the child's elopement history, specific sensory affinities (including water seeking), nonverbal status, and past wandering frequency;

(2) the physical perimeter integrity of the dwelling, including deadbolts mounted above five feet, functional door and window opening sensors, and continuous perimeter fencing;

(3) the immediate geographic proximity (within five hundred feet) of open water sources, retention ponds, tidal marshes, canals, drainage basins, swimming pools, or high-speed roadways; and

(4) the physical presence, attachment, battery status, and active operational status of any Approved Tracking Device assigned to the child.

(C) If the assessment identifies substantial environmental hazards and insufficient physical barriers, the department must mandate that the caregiver correct identified hazards within forty-eight hours. Failure to correct identified deficits constitutes grounds for an expedited petition for court-ordered intervention or emergency protective custody pursuant to Section 63-7-1660."

SECTION 4. Codification of Safety Technology Compliance, Search Misdirection, and Penalties

Section 63-5-70 of the South Carolina Code of Laws is amended to read:

"Section 63-5-70.

(A) It is unlawful for a person who has charge or custody of a child, or who is the parent or guardian of a child, or who is responsible for the welfare of a child as defined in Section 63-7-20 to:

(1) place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety;

(2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or

(3) wilfully abandon the child.

(B) A person who violates subsection (A) is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

(C) Rebuttable Presumption of Unlawful Conduct:

For purposes of subsection (A)(1), there is created a rebuttable presumption of placing a child at unreasonable risk of harm when a person responsible for the welfare of a child who is subject to an open child protective investigation, family court order, deferred prosecution agreement, or formal safety plan:

(1) intentionally cuts, physically detaches, disables, or abandons an Approved Tracking Device without written authorization from a licensed physician, behavioral specialist, or the department; or

(2) transports or leaves the child in an environment immediately adjacent to a known mortal hazard while purposefully depriving the child of an operational Approved Tracking Device.

(D) Active Deception and Misdirection During Emergency Search Operations:

(1) It is unlawful for any person responsible for the care or custody of a missing minor, or who is questioned by authorities regarding a missing minor with an Elopement Risk, to knowingly and willfully:

(a) make a false statement, misrepresentation, or material omission to law enforcement officers, first responders, or search-and-rescue personnel regarding the physical presence, operational status, frequency, or geographic location of an Approved Tracking Device;

(b) fabricate, misrepresent, or falsify the time, physical location, restraint status (including falsely claiming the child was secured inside a vehicle or room), or circumstances under which the minor was last seen; or

(c) intentionally steer, direct, guide, or divert search-and-rescue personnel, canine units, or aerial/marine search assets away from known environmental hazards, bodies of water, or the true geographic vicinity of disappearance.

(2) A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than ten thousand dollars, or both.

(3) Any sentence imposed pursuant to this subsection must be served consecutively to any sentence imposed under subsection (B) or Section 16-3-85.

*(4) Proof of intentional misdirection, false reporting of restraint status, or concealment of tracking equipment under this subsection shall be admissible as rebuttable evidence of circumstances manifesting an extreme indifference to human life in any prosecution brought pursuant to Section 16-3-85 (Homicide by Child Abuse). "***

SECTION 5. Interstate and Intrastate Travel Safety Plans

Article 15, Chapter 7, Title 63 of the South Carolina Code of Laws is amended by adding:

"Section 63-7-1525.

(A) Any parent, guardian, or caregiver who has custody of a child with a documented Elopement Risk, where such child is under active department investigation, deferred prosecution, or an ongoing protective services safety plan, must submit a written Travel Safety Plan to the department at least seventy-two hours prior to transporting the child outside the county of residence for an overnight stay.

(B) The Travel Safety Plan must document:

(1) the street address and physical layout of the intended destination;

(2) the identification of any open bodies of water, retention ponds, swimming pools, canals, marshes, or major highways within two hundred yards of the destination premises;

(3) verification that secondary door/window alarms and physical exit safeguards will be utilized at the destination;

(4) physical and operational proof that an Approved Tracking Device is operational, fully charged, and affixed to the child; and



(5) confirmation that the child's description, nonverbal status, water attraction behaviors, and tracking transmitter frequency have been registered with the primary emergency dispatch center serving the destination jurisdiction.

(C) Intentional deviation from or abandonment of an approved Travel Safety Plan constitutes prima facie evidence of gross negligence in any proceeding under Section 63-5-70 or Section 16-3-85."

SECTION 6. Severability & Effective Date

This act takes effect upon approval by the Governor.

SUBMITTED BY:

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EXECUTIVE POLICY BRIEF

The SENTRY Act (Saylor's Law)

Safeguarding and Enhancing Neurodivergent Tracking and Response Yield Act

Target Legislation: Title 63 (Children's Code) & Title 16 (Homicide by Child Abuse) Amendments

Prepared by: Institute for Juvenile Justice and Behavioral Policy

EXECUTIVE SUMMARY

For nonverbal children with Autism Spectrum Disorder (ASD) or cognitive disabilities who exhibit elopement (wandering) behaviors, environmental hazards, particularly open water, present an immediate, mortal threat. Drowning accounts for roughly 90% of wandering-related fatalities in autistic youth aged 14 and younger.

The tragic death of five-year-old Saylor Hayes in Georgetown County exposed a fatal intersection of administrative failure and investigative sabotage: an elopement-prone, nonverbal child was brought adjacent to tidal water without her tracking device, falsely reported as strapped in a vehicle car seat, and search crews were actively steered away from the water where she drowned.

Existing child protection statutes evaluate generic household neglect but lack operational standards for specialized developmental vulnerabilities. Furthermore, existing false-reporting statutes treat deceptive interference during a search as a minor misdemeanor. The SENTRY Act ("Saylor's Law") closes these gaps by establishing mandatory risk audits, travel oversight, felony penalties for search interference, and explicit statutory presumptions bridging gross neglect to Homicide by Child Abuse.

KEY STATUTORY PROVISIONS

- **Mandatory Specialized Risk Audits (§ 63-7-925):** Directs the Department of Social Services (DSS) to administer an objective **Elopement and Environmental Hazard Assessment (EEHA)** within 48 hours of an open investigation or safety plan involving an elopement-prone child. Caseworkers must formally audit perimeter exit security (locks mounted above five feet, door/window chimes) and proximity (within 500 feet) to open water sources, retention ponds, or high-speed roadways.
- **Presumption of Unlawful Conduct (§ 63-5-70(C)):** Establishes a formal, rebuttable presumption of unlawful conduct toward a child when a caregiver under active child protective supervision intentionally cuts, detaches, disables, or abandons an approved tracking device (such as Project Lifesaver) without written medical authorization.
- **Felony Penalties for Search Deception & Spatial Misdirection (§ 63-5-70(D)):**
 - Enacts a **Class E felony (up to 10 years, mandatory consecutive sentencing)** for knowingly fabricating the time, physical location, or restraint status of a missing child (e.g., falsely claiming a child was strapped in a vehicle).
 - Imposes the same felony penalty for **affirmatively steering, directing, or diverting** search-and-rescue personnel, canine units, or marine assets away from known water hazards or the true vicinity of disappearance.

- **Evidentiary Bridge to Homicide by Child Abuse (§ 63-5-70(D)(4)):** Codifies that active misdirection of search personnel or intentional concealment of tracking technology constitutes **admissible evidence of "circumstances manifesting an extreme indifference to human life"** in prosecutions under S.C. Code § 16-3-85 (punishable by 20 years to life imprisonment).
- **Enforceable Travel Safety Plans (§ 63-7-1525):** Requires caregivers under active child protective oversight to file a Travel Safety Plan at least 72 hours prior to transporting an elopement-risk dependent overnight outside their home county, verifying destination perimeter security, operational tracking equipment, and pre-registration with the destination 911 dispatch center.

SYSTEMIC REFORM & ENFORCEMENT IMPACT

Critical Failure Point	Current Statutory Status	The SENTRY Act (Saylor's Law)
Intake & Hazard Auditing	Standard DSS intake overlooks canals, retention ponds, and lock placement.	Mandates objective EEHA assessment and a 48-hour physical remediation timeline.
Tampering with Hardware	Caregivers cite "sensory discomfort" or "bathing" to excuse removing tracking devices.	Creates a statutory rebuttable presumption of felony child endangerment.
Fabricated "Last Seen" Claims	Search managers waste the critical "golden hour" looking inside vehicles or false grids.	Classifies fabricating restraint status or timelines as an independent Class E felony.
Active Spatial Misdirection	Steering rescue boats and dogs away from water is treated as general, minor obstruction.	Imposes up to a 10-year consecutive penalty and serves as statutory evidence of "extreme indifference" under § 16-3-85.
Fiscal Impact	Large appropriation requests stall in legislative budget subcommittees.	Zero capital outlay: Leverages existing municipal tracking programs and DSS intake administration.

CONCLUSION & LEGISLATIVE ACTION

Saylor's Law transforms discretionary child welfare guidelines into enforceable criminal and civil safeguards. It equips family court judges and caseworkers to prevent fatal elopements, while



providing prosecutors with the exact evidentiary tools required to hold deceptive caregivers fully accountable.

Recommended Action: Refer to House 3M, House Judiciary, and Senate Judiciary Committees for sponsorship and pre-filing for the upcoming legislative session.

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Legislative Transmittal & Statutory Counsel Brief

TO: Chief Legal Counsel & Staff Attorneys, House and Senate Judiciary Committees

FROM: Dr. Mariah Wilkins, Executive Director & Principal Policy Advisor

ORGANIZATION: Institute for Juvenile Justice and Behavioral Policy

DATE: September 2, 2026

SUBJECT: Statutory Brief: The SENTRY Act (Saylor's Law)- Enhanced Evidentiary Presumptions & Search Misdirection Penalties

I. Executive Summary & Factual Impetus

The SENTRY Act amends Title 63 (Children's Code) and Title 16 (Homicide by Child Abuse) to address the catastrophic intersection between child welfare supervision, developmental vulnerabilities, and intentional parental sabotage of search-and-rescue operations.

The recent death of five-year-old Saylor Hayes in Georgetown County exposed two fatal gaps in South Carolina's child protection framework:

1. **The Investigative Void:** Administrative safety plans lack enforceable, mandatory protocols for elopement-prone neurodivergent youth placed near lethal water hazards.
2. **The "Passive Neglect" Loophole in Deceptive Misdirection:** Current obstruction and false reporting statutes (S.C. Code §§ 16-9-320, 16-17-722) treat lying to police during a search as a low-level misdemeanor. When caregivers falsely claim a child was "strapped into a car seat," conceal that tracking devices were left behind, and actively steer search assets *away* from the water where the victim ultimately drowns, existing law struggles to bridge the evidentiary gap between simple neglect and homicide.

The SENTRY Act provides this statutory bridge.

II. Section-by-Section Jurisprudential Analysis

1. Section 4(C): Codifying the Rebuttable Presumption of Endangerment

- *The Problem:* Caregivers facing child endangerment charges under S.C. Code § 63-5-70 routinely argue that disabling a tracking unit was an accident, an oversight, or done due to "sensory aversion."
- *The Solution:* Section 4(C) establishes a formal rebuttable presumption of unlawful conduct when a caregiver under active CPS oversight intentionally cuts, detaches, or abandons an approved tracking device.
- *Constitutional Soundness:* In compliance with *State v. Attardo*, this presumption is strictly rebuttable and non-conclusive. It shifts the burden of production—requiring the defense to produce competent medical or clinical certification justifying the band's removal—while preserving the State's ultimate burden of persuasion under due process standards.

2. Section 4(D)(1)(b): Criminalizing Fabricated Restraint & Timelines

- *Operational Impact:* When caregivers report that an elopement-prone child was "last seen strapped in a vehicle," incident commanders automatically recalibrate their search radii. They allocate resources to vehicle break-ins, abduction protocols, and street grids rather than initiating immediate aquatic and hasty-search teams along water lines.

- *Statutory Fix:* Subsection (D)(1)(b) establishes a specific felony offense for fabricating the restraint status, physical location, or timeline of a missing vulnerable child, penalizing the calculated waste of the lifesaving "golden hour."

3. Section 4(D)(1)(c) & (4): Spatial Misdirection as Evidence of Extreme Indifference

- *The Problem:* Proving **Homicide by Child Abuse (S.C. Code § 16-3-85)** requires demonstrating that a child's death occurred under circumstances manifesting an "extreme indifference to human life." Defense counsel often argue that parental confusion or panic accounts for directing searchers away from water.
- *Statutory Fix:* Subsection (D)(1)(c) classifies affirmative spatial misdirection, steering canine, marine, or ground units away from known hazards, as an independent Class E felony carrying up to 10 years' imprisonment, mandated to run consecutively to any underlying neglect or homicide charges.
- *Evidentiary Bridge:* Crucially, Section 4(D)(4) makes proof of active search misdirection admissible as rebuttable evidence of extreme indifference to human life. This provides prosecutors with the explicit statutory authority needed to pursue a 20-year-to-life sentence under § 16-3-85 without having to prove a traditional, premeditated murder plan.

4. Section 5: Enforceable Travel Safety Continuity

- *Closing the Jurisdictional Seam:* Families under open child welfare investigations frequently travel outside their home county or across state lines to vacation rentals adjacent to marshes, retention ponds, or open water.
- *Mechanism:* Mandates that a Travel Safety Plan be executed 72 hours prior to departure, requiring verified destination door sensors, device operational audits, and direct pre-registration with the destination 911 dispatch center. Deviation from the safety plan serves as statutory prima facie evidence of gross negligence.

III. Summary for Committee Counsel

This statutory architecture respects standard procurement rules, imposes no new unfunded equipment mandates on local law enforcement, and maintains strict adherence to South Carolina constitutional standards governing evidentiary inferences. It equips prosecutors and family court judges with actionable legal mechanisms to protect neurodivergent children before tragedies occur, and guarantees severe accountability when caregivers actively undermine rescue efforts.

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