

INTERIM REPORT

Legislation for Crime Victims as of June 12, 2008 Prepared by Laura Hudson SC Crime Victims' Council

Not to be considered an exhaustive report

S*0096 (Rat #0400) General Bill, By Sheheen and Fair AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-4155 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE, OFFER FOR USE, PURCHASE, OFFER TO PURCHASE, SELL, OFFER TO SELL, OR POSSESS AN ALCOHOL WITHOUT LIQUID DEVICE AND TO PROVIDE PENALTIES AND EXCEPTIONS; TO AMEND SECTION 61-6-20, AS AMENDED, RELATING TO DEFINITIONS OF THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO AMEND THE DEFINITION OF "BONA FIDE ENGAGED PRIMARILY AND SUBSTANTIALLY IN THE PREPARATION AND SERVING OF MEALS"; AND TO AMEND SECTION 61-6-1610, AS AMENDED, RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN FOOD-SERVICE ESTABLISHMENTS OR PLACES OF LODGING, SO AS TO DEFINE THE TERMS "KITCHEN", "MEAL", AND "PRIMARILY" FOR PURPOSES OF THE SECTION. *Awaiting the Governor's Signature*

S 0429 General Bill, By Malloy and Jackson A BILL TO AMEND TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL PROCEDURES, BY ADDING ARTICLE 1, CHAPTER 28, THE "ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT", SO AS TO PROVIDE PROCEDURES FOR POST CONVICTION DNA TESTING, AND BY ADDING ARTICLE 3, CHAPTER 28, THE "PRESERVATION OF EVIDENCE ACT", SO AS TO PROVIDE PROCEDURES FOR PRESERVATION OF EVIDENCE. *S. 890 DNA upon arrest is attached to this bill*

06/05/08 Senate insists upon amendment and conference committee appointed Knotts, Malloy, and Cleary

06/05/08 House Conference committee appointed Reps. GM Smith, Crawford, and Jennings Awaiting conference committee report next week

S*0472 (Rat #0342) General Bill, By Lourie, Courson, Vaughn, Alexander, Sheheen, Ryberg, Williams, Leventis, Cleary, Drummond, Mescher, Cromer, Hayes, Verdin, Grooms and Knotts AN ACT TO AMEND SECTION 56-5-2941, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INSTALLATION OF INTERLOCK DEVICES ON VEHICLES OPERATED BY A PERSON WHO HAS BEEN CONVICTED OF COMMITTING CERTAIN OFFENSES THAT MAKE IT ILLEGAL TO OPERATE A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO INCREASE THE NUMBER OF OFFENSES THAT THIS PROVISION COVERS, ETC *Signed by Governor 6/11/08*

H*3058 (Rat #0320) General Bill, By W.D. Smith, Haskins, Young, G.R. Smith, Cobb-Hunter, Kirsh, Mahaffey, Sandifer, Brady, Bedingfield, Funderburk, Mitchell, M.A. Pitts, Whipper and R. Brown AN ACT TO AMEND SECTION 16-25-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE, SO AS TO RESTRUCTURE THE PENALTY PROVISIONS, INCREASE CERTAIN PENALTIES, AND ADD THAT CRIMINAL DOMESTIC VIOLENCE CONVICTIONS IN OTHER STATES ARE TO BE

CONSIDERED WHEN DETERMINING A PREVIOUS CONVICTION FOR PURPOSES OF ENHANCING THE PENALTY. Signed by Governor 6/04/08

H*3094 (Rat #0410) General Bill, By Brady, Haskins, Cotty, Mahaffey, Funderburk, Viers, Erickson, Hutson, Clemmons, Mulvaney, Harvin and Bedingfield AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-535 SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS, TO PROVIDE THAT IT IS UNLAWFUL FOR A SEX OFFENDER WHO HAS BEEN CONVICTED OF CERTAIN CRIMES TO RESIDE IN CERTAIN AREAS, TO PROVIDE IF A LOCAL LAW ENFORCEMENT AGENCY DETERMINES THAT A SEX OFFENDER HAS VIOLATED THIS PROVISION, THE AGENCY MUST PROVIDE THE SEX OFFENDER WITH A LIST OF AREAS IN WHICH HE IS NOT PERMITTED TO RESIDE AND THAT HE MUST VACATE HIS RESIDENCE, TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE WHOSE PENALTIES EXCEED OR ARE LESS LENIENT THAN THE PENALTIES CONTAINED IN THIS SECTION, TO REQUIRE EACH SCHOOL DISTRICT TO PROVIDE CERTAIN INFORMATION REGARDING SEX OFFENDERS OR THE SEX OFFENDER REGISTRY TO THE PARENTS OR GUARDIANS OF ITS STUDENTS OR ON THE SCHOOL DISTRICT'S WEB SITE, TO PROVIDE THAT LOCAL LAW ENFORCEMENT AGENCIES MUST DETERMINE WHETHER EACH SCHOOL DISTRICT COMPLIES WITH THIS PROVISION, AND TO PROVIDE A PENALTY FOR SCHOOL DISTRICTS THAT FAIL TO COMPLY WITH THIS PROVISION; AND AMEND SECTION 23-3-470, RELATING TO A SEX OFFENDER'S FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO REVISE THE PENALTY FOR A FIRST OFFENSE VIOLATION OF THIS PROVISION. Awaiting the Signature of the Governor

H*3490 (Rat #0072, Act #0035 of 2007) General Bill, By G.M. Smith, E.H. Pitts, Delleney, Harrison, Hart, Lucas, Rutherford, Sandifer, Stavrinakis, Thompson, Weeks, Whitmire and McLeod AN ACT TO AMEND CHAPTER 22, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRETRIAL INTERVENTION PROGRAM BY DESIGNATING THE EXISTING SECTIONS AS ARTICLE 1 AND BY ADDING ARTICLE 5 SO AS TO CREATE THE "ALCOHOL EDUCATION PROGRAM ACT", TO PROVIDE THAT EACH SOLICITOR HAS THE AUTHORITY TO ESTABLISH A PROGRAM FOR PERSONS WHO COMMIT CERTAIN ALCOHOL-RELATED OFFENSES, AND TO PROVIDE PROCEDURES FOR THE OPERATION OF A PROGRAM AND REQUIREMENTS FOR PERSONS DESIRING TO ENTER A PROGRAM. - ratified title

06/04/07 Vetoed by Governor

06/05/07 House Veto overridden by originating body Yeas-86

Nays-5

06/06/07 Senate Veto overridden Yeas-44 Nays-0

H*3496 (Rat #0234, Act #0201 of 2008) General Bill, By G.M. Smith, Harrison, Cotty, Shoopman, Duncan, Davenport, Leach, Haley, Huggins, McLeod, G.R. Smith, F.N. Smith, Allen, Bales, Ballentine, Barfield, Bingham, Bowen, Brady, Cato, Ceips, Chalk, Chellis, Clemmons, Cooper, Crawford, Edge, Frye, Funderburk, Gambrell, Govan, Gullick, Hagood, Hamilton, Hardwick, Harrell, Harvin, Haskins, Herbkersman, Hinson, Hiott, Jefferson, Kirsh, Knight, Littlejohn, Loftis, Lucas, Merrill, Moss, Neilson, Ott, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Sandifer, Scarborough, Scott, Simrill, Skelton, D.C. Smith, J.R. Smith, Spires, Stewart, Talley, Taylor, Toole, Umphlett, Vick, Viers, Walker, Weeks, Whipper, White, Whitmire, Witherspoon and Young) AN ACT TO AMEND SECTION 56-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976,

RELATING TO DEFINITION OF TERMS WITH REGARD TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERMS "OPERATOR", "VEHICLE", AND "DRIVER"; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OR PERMIT, OR THE DENIAL OF THE ISSUANCE OF A LICENSE OR A PERMIT TO A PERSON UNDER THE AGE OF TWENTY-ONE WHO HAS OPERATED A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, SO AS TO DELETE THE TERM "PROBABLE CAUSE TO BELIEVE" AND REPLACE IT WITH THE TERM "REASONABLE SUSPICION", TO DELETE THE TERM "STATE LAW ENFORCEMENT DIVISION" AND REPLACE IT WITH THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY", TO DELETE THE PROVISION THAT REQUIRES THE RECORDING OF THE PERIOD PRIOR TO THE ADMINISTRATION OF A BREATH TEST BY A PRIMARY INVESTIGATING OFFICER, ETC, ETC.

04/15/08

Signed By Governor

H 3547 General Bill, By Moss, Gambrell, Leach, Ballentine and Toole

A BILL TO AMEND SECTION 20-7-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES WITH REGARD TO INVESTIGATING CHILD ABUSE AND NEGLECT REPORTS, DETERMINING WHETHER SUCH REPORTS ARE FOUNDED OR UNFOUNDED, AND PLACING THE NAMES OF PERPETRATORS IN THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, SO AS TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A PERPETRATOR'S NAME MUST BE PLACED IN THE REGISTRY BY PROVIDING THAT IF THE COURT FINDS THAT A PERPETRATOR PHYSICALLY NEGLECTED, SEVERELY NEGLECTED, OR REPEATEDLY NEGLECTED A CHILD, THE PERPETRATOR'S NAME MUST BE PLACED IN THE REGISTRY. **The following Bill is attached to H.3547 H 4377 General Bill, By E.H. Pitts, Bingham, Toole and Viers** A BILL TO AMEND SECTION 20-7-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES CONCERNING REPORTS AND INVESTIGATIONS OF CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT INFORMATION CONCERNING REPORTS OF CHILD ABUSE AND NEGLECT CLASSIFIED AS UNFOUNDED MUST BE FORWARDED TO THE STATE LAW ENFORCEMENT DIVISION FOR SAFEKEEPING INDEFINITELY, TO BE DISCLOSED ONLY UNDER CERTAIN CIRCUMSTANCES CURRENTLY ALLOWED BY LAW AND TO MANDATE THAT BOTH THE DEPARTMENT AND THE APPROPRIATE LAW ENFORCEMENT AGENCY CONDUCT INVESTIGATIONS AND SHARE INFORMATION COLLECTED WHEN CHILD ABUSE OR NEGLECT IS INDICATED; TO AMEND SECTION 20-7-680, AS AMENDED, RELATING TO THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, SO AS TO REQUIRE CERTAIN PUBLIC ENTITIES TO REVIEW THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT BEFORE HIRING A POTENTIAL EMPLOYEE AND TO PROVIDE CONSEQUENCES WHEN AN EMPLOYER REQUIRED TO CHECK THE CENTRAL REGISTRY FAILS TO DO SO; TO AMEND SECTION 20-7-690, AS AMENDED, RELATING TO CONFIDENTIALITY OF REPORTS AND RECORDS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO ALLOW CERTAIN PERSONS, AGENCIES, OR ENTITIES ACCESS TO THE DEPARTMENT'S RECORDS OF INDICATED CHILD ABUSE AND NEGLECT CASES; AND TO REPEAL SECTION 20-7-50 RELATING TO UNLAWFUL CONDUCT TOWARDS A CHILD.

06/05/08 House insists upon amendment and conference

committee appointed Reps. Moss, EH Pitts, and Crawford

06/05/08 Senate Conference committee appointed Rankin, Malloy, and Hutto

Hopefully a Conference Committee will be ready by next week and sections of the bill will pass.

H*3623 (Rat #0414) General Bill, By Thompson AN ACT TO AMEND SECTION 6-11-340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTECTION OF SPECIAL PURPOSE DISTRICTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL AS AMENDED, RELATING TO MONETARY ASSESSMENTS LEVIED AGAINST FINES IMPOSED IN GENERAL SESSIONS, MAGISTRATES, AND MUNICIPAL COURTS, SO AS TO DELETE THE TERM "DEPARTMENT OF PUBLIC SAFETY" AND REPLACE IT WITH THE TERM "SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY"; ETC, ETC! *This bill contains language removing mistake of age as a defense in certain sexual conduct cases.*

Awaiting the Signature of the Governor

H 3715 General Bill, By Talley, Duncan, Mahaffey, Clemmons, Shoopman, Toole and G.R. Smith A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-750 SO AS TO DEFINE CERTAIN TERMS FOR PURPOSES OF THE SECTION AND TO PROVIDE AN ENHANCED PENALTY FOR PERSONS AFFILIATED WITH A SCHOOL IN AN OFFICIAL CAPACITY WHO COMMIT CERTAIN DELINEATED CRIMINAL SEXUAL CONDUCT, EXPLOITATION OF A MINOR, OR KIDNAPPING OFFENSES AGAINST A STUDENT.

06/04/08 Senate insists upon amendment and conference

committee appointed Hawkins, Sheheen, and Massey

06/05/08 House Conference committee appointed Reps. GM Smith,
Talley, and Weeks

Hopefully a Conference Committee will be ready by next week and the bill will pass.

H*4601 (Rat #0329) General Bill, By W.D. Smith, Cobb-Hunter, Talley, Hagood, Scott, Viers, Mitchell, Clemmons and Whipper AN ACT TO AMEND SECTION 16-3-1180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VICTIMS' COMPENSATION AWARDS, SO AS TO ALLOW THE DIRECTOR OF THE STATE OFFICE OF VICTIM ASSISTANCE TO AUTHORIZE ADDITIONAL MENTAL HEALTH COUNSELING FOR VICTIMS; TO AMEND SECTION 16-3-1230, AS AMENDED, RELATING TO CRIME VICTIMS' COMPENSATION CLAIMS, SO AS TO ALLOW CLAIM SUBMISSION VIA FACSIMILE OR OTHER ELECTRONIC MEANS; TO AMEND ARTICLE 14, CHAPTER 3 OF TITLE 16, RELATING TO THE VICTIM/WITNESS ASSISTANCE PROGRAM, SO AS TO RESTRUCTURE THE PROGRAM TO EMPOWER THE STATE OFFICE OF VICTIM ASSISTANCE TO PROVIDE CERTAIN SERVICES CURRENTLY PROVIDED BY THE VICTIM COMPENSATION FUND, TO RESTRUCTURE THE VICTIMS' SERVICES TO BE PROVIDED, AND TO CREATE THE VICTIM SERVICES COORDINATING COUNCIL AND PROVIDE FOR ITS MEMBERSHIP; TO AMEND SECTION 16-3-1620, RELATING TO THE CRIME VICTIMS' OMBUDSMAN OF THE OFFICE OF THE GOVERNOR, SO AS TO CREATE THE OFFICE OF VICTIM SERVICES EDUCATION AND CERTIFICATION WITHIN THE OFFICE OF THE CRIME VICTIMS' OMBUDSMAN AND ESTABLISH CERTIFICATION AND CONTINUING EDUCATION REQUIREMENTS FOR VICTIM SERVICE PROVIDERS; AND BY ADDING SECTION 16-3-1680 SO AS TO AUTHORIZE THE CRIME VICTIMS' OMBUDSMAN TO PROMULGATE NECESSARY REGULATIONS. - ratified title

06/04/08 Signed By Governor

06/11/08 Effective date 01/01/09

H*5001 (Rat #0396) General Bill, By Owens, Hiott, F.N. Smith, Cotty, Haley, Simrill, Merrill, Spires, M.A. Pitts, Skelton, E.H. Pitts, Bedingfield, Kirsh, Mitchell, Perry, D.C. Smith, J.R. Smith, Erickson, Crawford, Daning, Leach, Ballentine, Bowen, Brantley, Cato, Clemmons, Clyburn, Cobb-Hunter, Dantzler, Duncan, Hamilton, Hardwick, Hosey, Jefferson, Kelly, Lowe, Mack, Moss, J.M. Neal, Rice, Scarborough, Shoopman, G.R. Smith, Taylor, Umphlett, Vick, Walker, White, Itherspoon and Young AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-25-125 SO AS TO DEFINE CERTAIN TERMS, CREATE THE OFFENSE OF TRESPASS UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-3-1770, AS AMENDED, RELATING TO THE FORM AND CONTENT OF A TEMPORARY RESTRAINING ORDER, SO AS TO REFERENCE THE OFFENSE OF TRESPASS UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER WHEN THE TRESPASSER IS SUBJECT TO A RESTRAINING ORDER OR ORDER OF PROTECTION AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-25-70, AS AMENDED, RELATING TO A WARRANTLESS ARREST OR SEARCH WHEN A PERSON IS BELIEVED TO HAVE COMMITTED A CRIMINAL DOMESTIC VIOLENCE OFFENSE, SO AS TO CLARIFY A WARRANTLESS ARREST OR SEARCH MAY BE UNDERTAKEN BY LAW ENFORCEMENT WHEN THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTION 16-25-120, RELATING TO CONDITIONS OF RELEASE ON BOND OF PERSONS SUBJECT TO A RESTRAINING ORDER OR AN ORDER OF PROTECTION, SO AS TO REQUIRE THE COURT TO GIVE THE PERSON NOTICE OF THE OFFENSE OF TRESPASS ON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER; AND TO AMEND SECTION 20-4-60, RELATING TO ORDERS OF PROTECTION REGARDING DOMESTIC ABUSE, SO AS TO REFERENCE THE OFFENSE OF TRESPASS UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER WHEN THE TRESPASSER IS SUBJECT TO A RESTRAINING ORDER OR ORDER OF PROTECTION AND TO PROVIDE A PENALTY. - ratified title

06/11/08 Signed By Governor

S*0144 (Rat #0339) Joint Resolution, By Malloy, McConnell, Ford, Rankin, Knotts, Cleary, Vaughn, Campsen, Richardson, McGill, Elliott, Fair and Williams A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA SENTENCING REFORM COMMISSION TO REVIEW, STUDY, AND RECOMMEND LEGISLATION REGARDING SENTENCING GUIDELINES FOR CERTAIN OFFENSES, THE PAROLE SYSTEM, AND ALTERNATIVE SENTENCING PROCEDURES FOR OFFENDERS FOR WHOM TRADITIONAL IMPRISONMENT IS NOT APPROPRIATE; TO PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE COMMISSION; AND TO PROVIDE FOR THE STAFFING OF THE COMMISSION AND FOR THE TERMINATION OF THE COMMISSION NO LATER THAN JUNE 1, 2009. - ratified title

06/11/08 Signed By Governor