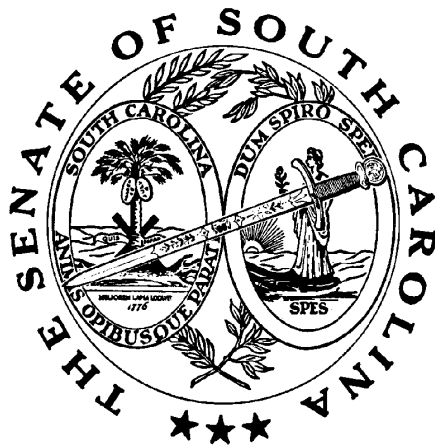


NO. 50

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, APRIL 3, 2024

Wednesday, April 3, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 46:1

We're reminded by the Psalmist that: "God is our refuge and strength, a very present help in trouble."

Let us pray: O holy Lord, there is no secret in the news that our world remains a terribly troubled place. Virtually every hour there are stories of people caught up in situations which are so incredibly unsettling. Reports of strife and turmoil around the globe as well as here at home bombard us again and again throughout each day. So this day, dear Lord, we bow before You to ask that You grant to these Senators and their aides -- as well as to others serving in leadership roles across this land - - the absolute courage to continue standing for righteousness and justice, not just for a few, but for everyone. And as all of these leaders labor diligently, may they feel the power of Your love embracing them. Moreover, O God also embrace in Your care and give strength to the people of Taiwan in the aftermath of yesterday's frightening and horrendous earthquake. In Your blessed we pray, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Campsen	Climer
Corbin	Cromer	Devine
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
Kimbrell	Malloy	Martin
Massey	Matthews	McElveen

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Peeler	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Motion Adopted

Senator MASSEY asked unanimous consent to make a motion to take up S. 533 at the conclusion of the Uncontested Statewide Calendar.

There was not objection.

Doctor of the Day

Senator SETZLER introduced Dr. Greg Squires of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MATTHEWS, at 2:06 P.M., Senator STEPHENS was granted a leave of absence for today.

Leave of Absence

On motion of Senator TEDDER, at 2:08 P.M., Senator McLEOD was granted a leave of absence until 2:30 P.M.

Leave of Absence

On motion of Senator K. JOHNSON, at 3:32 P.M., Senator McELVEEN was granted a leave of absence until 5:00 P.M.

Leave of Absence

At 3:36 P.M., Senator SETZLER requested a leave of absence from 5:00 P.M. - 8:30 P.M.

Leave of Absence

On motion of Senator FANNING, at 5:46 P.M., Senator DEVINE was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

- S. 32 Sen. Sabb
- S. 266 Sens. Allen and Tedder

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- S. 615 Sen. Tedder
- S. 481 Sens. Gustafson, Garrett, Senn and Adams
- S. 723 Sens. Turner and Campsen
- S. 1126 Sens. Corbin and Verdin
- S. 1150 Sen. Fanning

RECALLED AND ADOPTED

H. 4288 -- Reps. Erickson, McGinnis, Ballentine, Alexander, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 19, 2024, AS "SOUTH CAROLINA HIGHER EDUCATION DAY."

Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

Senator HEMBREE asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator HEMBREE, the Resolution was adopted and ordered sent to the House.

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Motion Adopted

On motion of Senator GOLDFINCH, with unanimous consent, Senators STEPHENS, McELVEEN, M. JOHNSON, TALLEY and GOLDFINCH were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1237 -- Senator Fanning: A SENATE RESOLUTION TO HONOR ALFONSO "AL" BOYD FOR HIS CONTRIBUTIONS AS THE COMMANDER OF DISABLED AMERICAN VETERANS CHAPTER 19 IN CHESTER AND TO RECOGNIZE HIS CONTINUED EFFORTS TO SUPPORT VETERANS.

lc-0695wab-bl24.docx

The Senate Resolution was adopted.

S. 1238 -- Senators Malloy and Martin: A SENATE RESOLUTION TO EXPRESS THE BELIEF OF THE SOUTH CAROLINA SENATE THAT NASCAR RACING IS AN INTEGRAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY; TO RECOGNIZE AND CONGRATULATE THE DARLINGTON RACEWAY FOR ANNOUNCING THE CONTINUATION OF A SECOND RACE TO ITS SCHEDULE, DOUBLING THE ECONOMIC IMPACT TO THE STATE OF SOUTH CAROLINA AS ONE OF OUR STATE'S MOST TREASURED ATTRACTIONS; TO IDENTIFY NASCAR'S SEVENTY-SIX YEARS OF RACING AS A SIGNIFICANT PART OF SOUTH CAROLINA'S RICH HISTORY; AND TO NAME THE WEEKS AROUND BOTH RACES, THE OFFICIAL THROWBACK WEEKEND OF NASCAR, MAY 6TH THROUGH 12TH, 2024, AND THE TRADITIONAL LABOR DAY WEEKEND, AUGUST 26TH THROUGH SEPTEMBER 1ST, 2024, AS "DARLINGTON RACEWAY WEEK", TWO WEEKS TOO TOUGH TO TAME.

sr-0676km-hw24.docx

The Senate Resolution was adopted.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

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SECOND READING BILL

H. 5231 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE ESTABLISHMENT OF THE CONSOLIDATED BAMBERG COUNTY SCHOOL DISTRICT AND ITS NINE MEMBER BOARD OF TRUSTEES, SO AS TO PROVIDE THAT SEVEN MEMBERS OF THE BOARD ARE TO BE ELECTED FROM SINGLE-MEMBER DISTRICTS WHICH CORRESPOND WITH THE BAMBERG COUNTY COUNCIL DISTRICTS, AND TWO ADDITIONAL MEMBERS ARE TO BE ELECTED FROM THE COUNTY AT-LARGE.

On motion of Senator HUTTO.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 971 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-100, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BARNWELL COUNTY, SO AS TO IDENTIFY THE VOTING PLACE FOR CERTAIN PRECINCTS.

S. 1112 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-2340, RELATING TO FINGERPRINT REVIEW, SO AS TO PROVIDE FOR FINGERPRINT-BASED BACKGROUND CHECKS FOR PERSONS APPLYING FOR LICENSURE AS A FOSTER PARENT, ADOPTIVE PARENT, LEGAL GUARDIAN, OR EMPLOYEE OR VOLUNTEER OF A CHILD PLACING AGENCY, RESIDENTIAL TREATMENT PROGRAM, OR CONTRACTED SERVICE PROVIDER WHO HAS DIRECT UNSUPERVISED CONTACT WITH CHILDREN; BY AMENDING SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS OF FEDERAL BUREAU OF INVESTIGATION FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT COSTS FOR FINGERPRINT-BASED BACKGROUND CHECKS MUST BE PAID BY THE INDIVIDUAL OR ENTITY REQUESTING THE BACKGROUND CHECKS; BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE, ADOPTION, OR LEGAL GUARDIAN PLACEMENTS, SO AS TO PROVIDE THAT A CHILD MAY BE PLACED IN THE HOME OF A KIN OR FICTIVE KIN CAREGIVER WHO HAS BEEN CONVICTED OF OR

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PLED GUILTY TO A CRIMINAL OFFENSE IF MORE THAN FIVE YEARS HAVE PASSED SINCE THE CONVICTION AND THE OFFENSE WAS NOT A FELONY INVOLVING VIOLENCE OR ANY CRIME AGAINST A CHILD; BY AMENDING SECTION 63-13-50, RELATING TO FINGERPRINT EXEMPTIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-60, RELATING TO CRIMINAL HISTORY REVIEW FEE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-190, RELATING TO FINGERPRINT REVIEWS OF DEPARTMENT OF SOCIAL SERVICES PERSONNEL, SO AS TO PROVIDE THAT VOLUNTEERS OR EMPLOYEES OF A CONTRACTOR OR SUBCONTRACTOR WHO CONTRACTS FOR DELIVERY OF PROTECTIVE SERVICES, FAMILY PRESERVATION SERVICES, FOSTER CARE SERVICES, FAMILY REUNIFICATION SERVICES, ADOPTION SERVICES AND OTHER RELATED SERVICES OR PROGRAMS OR A PERSON WHO HAS DIRECT UNSUPERVISED CONTACT WITH A CHILD IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES SHALL UNDERGO A STATE FINGERPRINT-BASED BACKGROUND CHECK; BY AMENDING SECTION 63-13-420, RELATING TO LICENSURE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-430, RELATING TO LICENSE RENEWAL, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-620, RELATING TO STATEMENT OF APPROVAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-630, RELATING TO APPROVAL RENEWAL, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-820, RELATING TO REGISTRATION REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-830, RELATING TO STATEMENT OF REGISTRATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-13-1010, RELATING TO REGISTRATION REQUIRED FOR CHURCH AND RELIGIOUS CENTERS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-11-70, RELATING TO BACKGROUND CHECKS AND PARDONS, SO AS TO MAKE CONFORMING CHANGES.

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S. 1150 -- Senators Climer, Verdin, Kimbrell, M. Johnson, Martin and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 46-57-65 SO AS TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO LABEL ANY CULTIVATED FOOD PRODUCT AS BEEF, POULTRY, FISH, OR ANY OTHER MEAT THAT THE CULTIVATED FOOD PRODUCT MAY RESEMBLE FOR THE PURPOSES OF MANUFACTURING, SELLING, OR HOLDING OR OFFERING FOR SALE IN THIS STATE.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 4909 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REMOVE ONE PRECINCT AND REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

H. 4937 -- Reps. Collins, Hiott and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-450, RELATING TO DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO AUTHORIZE THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, WITH APPROVAL FROM A MAJORITY OF THE PICKENS COUNTY LEGISLATIVE DELEGATION, TO LOCATE A POLLING PLACE WITHIN FIVE MILES OF A PRECINCT'S BOUNDARIES IF NO SUITABLE LOCATION EXISTS WITHIN THE PRECINCT.

AMENDED, SECOND READING FAILED

S. 208 -- Senators Goldfinch and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE

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CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED, SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES, LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

The Senate proceeded to a consideration of the Bill.

Senator GOLDFINCH proposed the following amendment (LC-208.SA0005S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking the name of the article and inserting:

Additional Driver's License Fees

Amend the bill further, SECTION 1, by striking Section 4-10-1110(A) and inserting:

(A) A county government may impose additional driver's license fees as provided for in Section 56-1-20(C) and 56-3-210(C)(2) on new residents to the State subject to a successful referendum.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(A) and inserting:

(A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver's license fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

Amend the bill further, SECTION 1, by striking Section 4-10-1120(D)(1) before the first undesignated paragraph and inserting:

(D) The referendum question concerning whether to impose an additional fee on drivers' licenses must read substantially as follows:

Amend the bill further, SECTION 1, by deleting Section 4-10-1120(D)(1)(b).

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Amend the bill further, SECTION 1, Section 4-10-1120(D)(1)(b), by deleting the undesignated paragraph.

Amend the bill further, by deleting SECTION 3.

Re-number sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The question being the adoption of the amendment.

On motion of Senator GOLDFINCH, the amendment was withdrawn.

Senator GOLDFINCH proposed the following amendment (SR-208.KM0008S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Chapter 10, Title 4 of the S.C. Code is amended by adding:

Article 11

Additional Driver's License Fees

Section 4-10-1110. (A) A county government may impose additional driver's license fees as provided for in Section 56-1-20(C) and 56-3-210(C)(2) on new residents to the State subject to a successful referendum.

(B) A referendum may be initiated either by an ordinance adopted by the county council or by a petition calling for a referendum signed by at least five percent of the resident electors of the county. The county council shall transmit the ordinance or petition calling for the referendum to the county election commission.

Section 4-10-1120. (A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver's license fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

(B) All qualified electors desiring to vote in favor of imposing the tax shall vote "Yes" and all qualified electors opposed to imposing the tax shall vote "No". If a majority of the votes cast are in favor of imposing the additional fees, the fees must be imposed as provided in this article,

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and beginning on January first after November in which the referendum is held. The election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the results no later than December thirty-first to the county governing body and to the Department of Transportation.

(C) Upon receipt of the returns of the referendum, the county council, by resolution, shall declare the results thereof. The county council shall transmit a copy of the resolution to the Executive Director of the Department of Motor Vehicles within seven days of its adoption. The results of the referendum may not be questioned except by a suit or proceeding instituted within thirty days from the date the resolution is adopted.

(D)(1) The referendum question concerning whether to impose an additional fee on drivers' licenses must read substantially as follows:

“Must an additional two hundred fifty-dollar fee be collected on drivers' licenses issued to those people establishing a residence in _____ County from another state or country, the proceeds of which shall be expended in the following manner?

- _____ % for county infrastructure
- _____ % for public education related expenses
- _____ % for greenspace conservation or preservation

Yes
No

Section 4-10-1130. The funds collected pursuant to a successful referendum may only be spent for expenses related to county infrastructure, public education, and for greenspace conservation or preservation programs. The referendum must identify the percentage of the funds that will be dedicated to each permissible purpose. A county may choose to fund fewer than all of the permissible purposes.

Section 4-10-1140. (A) The funds derived from the fees collected pursuant to this article must be remitted to the county treasurer in which the fee was collected.

(B) County council shall appropriate the funds derived in accordance with the provisions contained in the referendum for infrastructure or greenspace conservation or preservation.

(C) Funds derived from the fees for public education shall be disbursed by the county treasurer to each school district in the county in direct proportion to the number of people subject to the new fees in each school district. The school district board of trustees shall appropriate the funds it receives.

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Section 4-10-1150. The fees authorized in this article may be rescinded within a county in the same manner as authorized for imposition. However, a referendum to rescind the fees must be held only once every five years.

SECTION 2. Section 56-1-20 of the S.C. Code is amended to read:

Section 56-1-20. (A) No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operators' licenses in his possession issued to him by any other state within forty-five days of becoming a resident of this State, unless specifically exempted by law. All surrendered licenses shall be returned by the department to the issuing department, agency, or political subdivision. No person shall be permitted to have more than one valid motor vehicle driver's license or operator's license at any time.

(B) Any person holding a currently valid motor vehicle driver's license issued under this article may exercise the privilege thereby granted upon all streets and highways in the State and shall not be required to obtain any other license to exercise such privilege by any county, municipal, or local board or body having authority to adopt local police regulations; provided, however, that this provision shall not serve to prevent a county, municipal, or local board from requiring persons to obtain additional licenses to operate taxis, buses, or other public conveyances.

(C)(1) A person being issued a license pursuant to this article who surrenders a valid operator's license in his possession issued to him by any other state as required in subsection (A) and who is establishing residence in a county in which a successful referendum has been held pursuant to Section 4-10-1120, must pay a one-time fee of two hundred fifty dollars in addition to all other applicable fees and charges before he may be issued a motor vehicle driver's license or operator's license in this State.

(2) The one-time fee required pursuant to the provisions of this subsection does not apply to a person, his spouse, or his dependent, if the person is in this State for purposes of active duty military service as defined in Section 40-36-520.

SECTION 3. After the first county adopts a resolution pursuant to this act, the fees required pursuant to this act shall not begin to be collected for six months. The provisions contained in this section only

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apply to the first county in which a successful referendum pursuant to this act is held.

SECTION 4. 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.

SECTION 5. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Objection

Senator GOLDFINCH asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 7; Nays 34

AYES

Bennett	Devine	Fanning
Goldfinch	Gustafson	Hembree
Hutto		

Total--7

NAYS

Adams	Alexander	Allen
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Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Harpootlian
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Matthews	McLeod
Peeler	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--34

There being no further amendments, the Bill, as amended, failed to receive second reading.

AMENDMENT PROPOSED, OBJECTION

S. 620 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-51-50, RELATING TO SALES OF PROPERTY BY A COUNTY RESULTING FROM DELINQUENT TAXES, SO AS TO ALLOW AN ELECTRONIC SALE AND TO PROVIDE FOR THE PROCEDURES OF AN ELECTRONIC SALE; AND BY AMENDING SECTION 12-51-60, RELATING TO PAYMENT BY THE SUCCESSFUL BIDDER IN A TAX SALE, SO AS TO PROVIDE FOR THE DISTRIBUTION OF PROCEEDS DERIVED FROM AN ELECTRONIC TAX SALE.

The Senate proceeded to a consideration of the Bill.

Senators DAVIS and MATTHEWS proposed the following amendment (SR-620.JG0002S):

Amend the bill, as and if amended, SECTION 1, Section 12-51-50, by adding a subsection to read:

(C) The county treasurer or tax collector shall follow the procedures of the State Procurement Code, as found in Chapter 35 of Title 11, or the procedures of the county procurement code, in the awarding of a contract with a private, online, auction vendor company.

Re-number sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The question being the adoption of the amendment.

Senator SENN objected to further consideration of the Bill.

OBJECTION

S. 843 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-120, RELATING TO MISREPRESENTATIONS PROHIBITED, SO AS TO PROHIBIT A SOLICITATION FROM A PERSON OR GROUP REPRESENTING ITSELF AS A SOUTH CAROLINA-BASED NATIVE AMERICAN INDIAN TRIBE OR SOUTH CAROLINA-BASED NATIVE AMERICAN ENTITY UNLESS THE GROUP HAS BEEN FEDERALLY ACKNOWLEDGED AS A TRIBE, OR DESIGNATED AS A TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION BY THE BOARD OF THE STATE COMMISSION FOR MINORITY AFFAIRS.

Senator CAMPSEN objected to consideration of the Bill.

CARRIED OVER

S. 846 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-31-401, RELATING TO CORPORATE NAME, SO AS TO PROHIBIT THE USE OF CERTAIN INDIAN DESCRIPTIONS AS PART OF A NONPROFIT CORPORATION'S CORPORATE NAME UNLESS THE ENTITY IS A FEDERALLY ACKNOWLEDGED TRIBE OR A STATE DESIGNATED TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION.

On motion of Senator McELVEEN, the Bill was carried over.

OBJECTION

H. 4957 -- Reps. Hiott, Erickson, G.M. Smith, Hayes, McGinnis, Rose, Elliott, Alexander, Schuessler, Calhoun, M.M. Smith, Davis, T. Moore, B. Newton, Neese, Oremus, Hixon, Taylor, Guest, Sessions, Guffey, Ballentine, Pope, Willis, Bannister, Kirby, Henegan, Hartnett, Williams, Gilliard and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-158-10, RELATING TO DEFINITIONS CONCERNING INTERCOLLEGIATE ATHLETES' COMPENSATION FOR NAME, IMAGE, OR LIKENESS, SO AS TO REVISE SEVERAL

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DEFINITIONS; BY AMENDING SECTION 59-158-20, RELATING TO THE AUTHORIZATION OF COMPENSATION FOR USE OF AN INTERCOLLEGIATE ATHLETE'S NAME, IMAGE, OR LIKENESS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE INSTITUTIONS OF HIGHER LEARNING AND CERTAIN AGENTS OF THE INSTITUTIONS MAY ENGAGE IN CERTAIN ACTIONS THAT MAY ENABLE INTERCOLLEGIATE ATHLETES TO EARN COMPENSATION FOR USE OF THE NAME, IMAGE, OR LIKENESS OF THE ATHLETE, AND TO PROVIDE THE INSTITUTIONS ALSO MAY PERMIT INTERCOLLEGIATE ATHLETES TO USE TRADEMARKS AND FACILITIES OF THE INSTITUTION, AMONG OTHER THINGS; BY AMENDING SECTION 59-158-30, RELATING TO THE AFFECTS OF NAME, IMAGE, AND LIKENESS COMPENSATION ON GRANT-IN-AID OR ATHLETIC ELIGIBILITY, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE NAME, IMAGE, OR LIKENESS CONTRACTS MAY NOT EXTEND BEYOND THE INTERCOLLEGIATE ATHLETE'S ELIGIBILITY TO PARTICIPATE IN AN INTERCOLLEGIATE ATHLETICS PROGRAM AT AN INSTITUTION OF HIGHER LEARNING; BY AMENDING SECTION 59-158-40, RELATING TO ALLOWED AND PROHIBITED ACTIONS CONCERNING INTERCOLLEGIATE ATHLETES' NAME, IMAGE, AND LIKENESS-RELATED MATTERS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE LIMITATIONS ON LIABILITY FOR INSTITUTION OF HIGHER LEARNING EMPLOYEES FOR DAMAGES RESULTING FROM CERTAIN ROUTINE DECISIONS MADE IN INTERCOLLEGIATE ATHLETICS, AND TO PROHIBIT CERTAIN CONDUCT BY ATHLETIC ASSOCIATIONS, ATHLETIC CONFERENCES, OR OTHER GROUPS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY AMENDING SECTION 59-158-50, RELATING TO GOOD ACADEMIC STANDING REQUIRED FOR PARTICIPATION IN NAME, IMAGE, AND LIKENESS ACTIVITIES, SO AS TO DELETE EXISTING PROVISIONS AND PROVIDE CERTAIN MATTERS CONCERNING NAME, IMAGE, AND LIKENESS AGREEMENTS MAY NOT BE CONSIDERED PUBLIC RECORDS SUBJECT TO AN EXCEPTION AND MAY NOT BE DISCLOSED TO CERTAIN ENTITIES; BY AMENDING SECTION 59-158-60, RELATING TO DISCLOSURE OF NAME, IMAGE, OR LIKENESS CONTRACTS

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AND THIRD-PARTY ADMINISTRATORS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE FOR THE RESOLUTION OF CONFLICTS BETWEEN CERTAIN PROVISIONS OF THIS ACT AND PROVISIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, AND TO PROVIDE ATHLETE AGENTS SHALL COMPLY WITH CERTAIN FEDERAL REQUIREMENTS; BY AMENDING SECTION 59-102-20, RELATING TO DEFINITIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, SO AS TO REVISE THE DEFINITION OF "ATHLETE AGENT"; BY AMENDING SECTION 59-102-100, RELATING TO AGENCY CONTRACTS, SO AS TO REMOVE A PROVISION CONCERNING COMPENSATION; BY REPEALING SECTION 59-158-70 RELATING TO DISCLOSURES AND LIMITATIONS IN NAME, IMAGE, OR LIKENESS CONTRACTS AND REVOCATION PERIODS FOR SUCH CONTRACTS; AND BY REPEALING SECTION 59-158-80 RELATING TO GOVERNING LAW AND FEDERAL COMPLIANCE CONTRACTS.

Senator MALLOY objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 857 -- Senators Davis and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGY AND COSMETOLOGISTS SO AS TO PROVIDE A DEFINITION FOR "MOBILE SALON" AND "PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATION"; AND BY ADDING SECTION 40-13-365 SO AS TO PROVIDE FOR PERMITTING AND REGULATION OF MOBILE SALONS AND PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATIONS.

The Senate proceeded to a consideration of the Bill.

Senator CASH proposed the following amendment (SR-857.JG0009S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 40-13-365(d)(6) and inserting:

(6) A mobile salon is prohibited from operating within eyesight of the nearest registered salon and is prohibited from operating within a one-hundred-yard radius of the nearest registered salon.

Re-number sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 1132 -- Senators Davis, Climer and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-7-20, RELATING TO DEFINITIONS CONCERNING BARBERS AND BARBERING, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-7-390, RELATING

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TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGISTS AND COSMETOLOGY, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-13-360, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; AND BY REPEALING SECTION 40-7-255 RELATING TO THE REGULATION OF HAIR-BRAIDING PRACTITIONERS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being second reading of the Bill.

Objection

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

Senator MATTHEWS objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 955 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-5-400 SO AS TO ESTABLISH THE LIMITED COMMERCIAL BLUE CRAB LICENSE AND THE REQUIREMENTS FOR OBTAINING THE LICENSE; BY AMENDING SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES AND FEES, SO AS TO REVISE THE FEE STRUCTURE FOR THE COMMERCIAL TRAP LICENSE; BY AMENDING SECTION 50-5-350, RELATING TO THE TRANSFERABILITY OF LICENSES, SO AS TO EXEMPT THE LIMITED COMMERCIAL BLUE CRAB LICENSE FROM THE

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GENERAL TRANSFER PROHIBITION; BY AMENDING SECTION 50-5-360, RELATING TO LICENSES TO ENGAGE IN SHEDDING PEELER CRABS, SO AS TO REQUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS PREMISES BE CAPABLE OF PEELER SHEDDING OPERATIONS; BY AMENDING SECTION 50-5-545, RELATING TO TRAPS FOR TAKING BLUE CRAB, SO AS TO PROVIDE FOR THE MATERIAL, DIMENSIONS, AND ESCAPE VENT REQUIREMENTS OF THE TRAPS; BY ADDING SECTION 50-5-1302 SO AS TO ESTABLISH A RECREATIONAL LIMIT OF ONE-HALF BUSHEL OF BLUE CRABS PER PERSON PER DAY NOT TO EXCEED ONE BUSHEL PER BOAT; BY ADDING SECTION 50-5-1345 SO AS TO PROHIBIT THE USE OF CRAB TRAPS IN THE WATERS OF THIS STATE FROM JANUARY 16 THROUGH JANUARY 29 OF EACH YEAR; BY AMENDING SECTION 50-5-330, RELATING TO RECREATIONAL EQUIPMENT LIMITS, SO AS TO INCREASE THE NUMBER OF TRAPS THAT MAY BE USED FOR RECREATIONAL PURPOSES FROM TWO TO TEN WITH A RECREATIONAL CRAB TRAP ENDORSEMENT; AND BY AMENDING SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES SO AS TO PROVIDE FOR THE COST OF THE RECREATIONAL CRAB TRAP ENDORSEMENT.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-955.BC0008S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 3, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-400. (A) For the privilege of taking blue crabs by trap for a commercial purpose in the waters of this State, an individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps.

(B) The cost of a limited commercial blue crab license is one hundred dollars for residents and five hundred dollars for nonresidents.

(C) The following individuals are eligible to obtain a limited commercial blue crab license:

(1) an individual who possessed a valid commercial equipment license for traps during the 2023-2024 license year and who has verifiable documentation of at least four thousand pounds of commercial

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blue crab landings during the first six months of the 2023-2024 license year, the entirety of the 2022-2023 license year, or the entirety of the 2021-2022 license year;

(2) an individual who is selected via an applicant lottery pursuant to subsection (D); or

(3) an individual who receives a valid limited commercial blue crab license via transfer pursuant to subsection (E).

(D) If the total number of limited commercial blue crab licenses issued by the department in a license year is below one hundred, then the department may award additional licenses, not to exceed one hundred total limited commercial blue crab licenses, via an applicant lottery.

(E) A limited commercial blue crab license may be transferred by the licensee to another individual after providing information relating to the transfer as required by the department.

(F) The maximum number of traps used for taking blue crab, inclusive of peeler traps, that may be licensed to:

(1) an individual who obtains a limited commercial blue crab license under subsection (C)(1) is the greater of two hundred traps and the highest number of traps licensed by the individual in the three previous license years;

(2) an individual who receives a limited commercial blue crab license via transfer is the greater of two hundred traps and the average number of traps licensed by a holder of the transferred limited commercial blue crab license in the three previous license years; or

(3) an individual who is selected via lottery is two hundred traps.

(G) If the 2023-2024 license year is used to determine the highest number of traps that may be licensed under subsection (F), then only the first six months of the license year must be used in the determination.

(H) A limited commercial blue crab license must be renewed annually. Prior to every fourth license year, a licensee must have verifiable documentation of at least four thousand pounds of commercial blue crab landings in at least one of the three previous license years. If a licensee does not meet the documented landings threshold, then the licensee's limited commercial blue crab license must not be renewed by the department.

SECTION 2. Section 50-5-350(B) of the S.C. Code is amended to read:

(B) Licenses and permits, other than a limited commercial blue crab license, are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

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(1) channel nets; and

(2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a nonresident.

SECTION 3. Section 50-5-325(A) of the S.C. Code is amended to read:

(A) Commercial equipment, excluding vessels, used in the salt waters of this State and in fisheries for anadromous and catadromous species in any waters of this State must be licensed by the department. The owner and operator are responsible for obtaining a license:

(1) to use a trawl or trawls, and the cost is one hundred twenty-five dollars for residents and three hundred dollars for nonresidents;

(2) to use traps, other than traps for taking blue crab, and the cost is twenty-five dollars ~~per~~ for fifty traps and one dollar for each trap thereafter for residents, and one hundred twenty-five dollars ~~per~~ for fifty traps and five dollars for each trap thereafter for nonresidents;

(3) to use traps for taking blue crab, and the cost is two dollars for each trap for residents and ten dollars for each trap for nonresidents;

~~(3)~~(4) to use a channel net for taking shrimp, and the cost is two hundred fifty dollars for each net;

~~(4)~~(5) to use a gill net for taking shad, herring, or sturgeon, and the cost is ten dollars per one hundred net yards or a fraction thereof for residents and fifty dollars per one hundred net yards or a fraction thereof for nonresidents, and to use any other gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for nonresidents;

~~(5)~~(6) to use hand-held equipment to take shellfish, including tongs, rakes, and forks, at no cost;

~~(6)~~(7) to use a drag dredge, and the cost is seventy-five dollars for residents and three hundred seventy-five dollars for nonresidents;

~~(7)~~(8) to use other mechanically operated or boat assisted equipment, other than equipment used to set or retrieve licensed equipment, and the cost is one hundred twenty-five dollars for residents and six hundred twenty-five dollars for nonresidents;

~~(8)~~(9) to use trotlines with baits or hooks, and the cost is ten dollars for residents and fifty dollars for nonresidents for each line having not more than fifty baits or hooks per line;

~~(9)~~(10) to use any other commercial equipment, and the cost is ten dollars for each type for residents and fifty dollars per type for nonresidents.

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SECTION 4. Section 50-5-360(B) of the S.C. Code is amended to read:

(B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer, ~~and must~~ be licensed for peeler crabs, and the person's or entity's business premises must be capable of peeler shedding operations. The fee for a resident peeler crab license is an additional seventy-five dollars, and the fee for a nonresident license is an additional three hundred seventy-five dollars. Persons holding this license and engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size. The department may inspect the business premises of a person or entity applying for a peeler crab license and of a peeler crab licensee to ensure the applicant's or licensee's business premises are capable of peeler shedding operations.

SECTION 5. Section 50-5-545 of the S.C. Code is amended to read:

Section 50-5-545. (A) Except as provided in this section, ~~from June 1 through March 14,~~ a trap used for taking blue crab ~~used for commercial purposes from June 1 through March 14, or for recreational purposes year round,~~ must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

(B) A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.

(C) A trap used for taking blue crab, other than peeler traps, must be constructed of wire with a minimum mesh size of one and one-half inches, have throats or entrances located only on a vertical surface, and have a maximum dimension of twenty-four inches by twenty-four inches by twenty-four inches or a volume of eight cubic feet.

SECTION 6. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1345. (A) The department must promulgate regulations establishing criteria for the designation of closed seasons and closed or partially closed areas for the taking of blue crabs by trap. In accordance with the established criteria, the department may designate closed seasons and closed or partially closed areas for the taking of blue crabs by trap upon at least forty-five days' public notice.

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(B) A trap that is in the waters of this State during a closed season or in a closed or partially closed area may be confiscated by the department or by an agent of the department.

(C) It is unlawful to take or attempt to take blue crabs by trap during a closed season or in a closed or partially closed area. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars.

(D) Nothing in this section limits the authority of the department under Section 50-5-32.

SECTION 7. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1302. (A) For the purposes of this section, “day” means sunrise on one day to sunrise on the following day.

(B) It is unlawful for a person to take or possess for recreational purposes more than one bushel of blue crabs in any one day, not to exceed two bushels in any one day on any boat.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars and not more than five hundred dollars.

SECTION 8. Section 50-5-330(A) of the S.C. Code is amended to read:

(A) A person may fish or use the following in the salt waters of this State solely for recreational purposes without being commercially licensed:

(1) shrimp seines;

(2) hand-operated tongs, rakes except bull rakes, and forks except seed forks, used to harvest shellfish;

(3) hook and line or rod and reel;

(4) minnow traps, drop nets, and dip nets;

(5) cast nets; however, the use must comply with all other provisions of law;

(6) no more than two crab traps without a recreational crab trap endorsement;

(7) no more than five crab traps with a recreational crab trap endorsement;

~~(7)~~(8) no more than two trotlines with a cumulative total of not more than fifty hooks or baits;

~~(8)~~(9) no more than ten bush or pole lines with single hooks or baits.

SECTION 9. Section 50-9-540 of the S.C. Code is amended by adding:

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(E) For the privilege of fishing more than two and up to five crab traps recreationally, a recreational saltwater license holder must purchase an annual enhanced recreational crab trap endorsement at a cost of five dollars.

SECTION 10. Section 5 of this act takes effect on January 1, 2025. All other sections take effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senator CAMPSEN proposed the following amendment (SFGF-955.BC0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-5-400(G) and inserting:

(G) If the 2024-2025 license year or 2023-2024 license year is used to determine the highest number of traps that may be licensed under subsection (F), then only the first six months of the 2023-2024 license year must be used in the determination.

Amend the bill further, by striking SECTION 10 and inserting:

SECTION 10. Sections 4 and 6 of this act take effect on July 1, 2024. All other sections take effect on January 1, 2025.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senators CAMPSEN and MATTHEWS proposed the following amendment (SFGF-955.BC0012S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 50-5-555 of the S.C. Code is amended by adding:

(G) The department may impose a civil penalty of up to one hundred dollars for each trap in violation of this section for a first offense, up to three hundred dollars for a second offense, and up to five hundred dollars for a third or subsequent offense.

Renumber sections to conform.

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Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 154 -- Senators Young, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE

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“SOUTH CAROLINA STREET GANG AND CRIMINAL ENTERPRISE PREVENTION AND ANTI-RACKETEERING ACT”; BY AMENDING ARTICLE 3 OF CHAPTER 8, TITLE 16, RELATING TO THE CRIMINAL GANG PREVENTION ACT, SO AS TO RETITLE THE ARTICLE, REVISE THE DEFINITIONS FOR PURPOSES OF THE ARTICLE, AND RESTRUCTURE THE ARTICLE AND THE OFFENSES AND PENALTIES CONTAINED WITHIN IT; AND BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 SO AS TO CREATE ANTI-RACKETEERING PROVISIONS TO COMPLIMENT THE REVISED STREET GANG AND CRIMINAL ENTERPRISE PREVENTION ARTICLE, DEFINE NECESSARY TERMS, AND CREATE VARIOUS RACKETEERING OFFENSES AND ESTABLISH PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-154.MB0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION 1. This act may be cited as the “South Carolina Criminal Gang and Criminal Enterprise Prevention and Anti-Racketeering Act”.

Amend the bill further, SECTION 2, by striking the third undesignated paragraph and inserting:

(3) The substantial harm inflicted on the people and economy of this State by pervasive violent gangs and other forms of criminal enterprise is legitimately a matter of grave concern to the people of this State who have a basic right to be protected from that criminal activity and to be given adequate remedies to redress its harms. Gangs, in particular, are responsible for a disproportionate amount of violent, sexual, and property crime which often involves the recruitment, use, or victimization of minors.

Amend the bill further, SECTION 2, by striking the fifth undesignated paragraph and inserting:

(5) The General Assembly finds that the most effective punishment and deterrence of the criminal activities of criminal gangs is not just through incarceration where appropriate, but also through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by criminal gangs.

Amend the bill further, SECTION 3, by striking the name of Article 3 and inserting:

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~~Criminal~~ South Carolina Criminal Gang and Criminal Enterprise Prevention Act

Amend the bill further, SECTION 3, by striking Section 16-8-210 and inserting:

Section 16-8-210. This article may be cited as the “~~Criminal~~ South Carolina Criminal Gang and Criminal Enterprise Prevention Act”.

Amend the bill further, SECTION 3, by striking Section 16-8-230(2) and inserting:

(2) “Criminal gang” means any organization, association, or group of three or more persons associated in fact, whether formal or informal, which engages in criminal gang activity as defined in this section. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics including, but not limited to, common activities, customs, or behaviors. The term does not include three or more persons exercising the right to assembly or associated in fact, whether formal or informal, who are not engaged in criminal gang activity as applied in this article.

Amend the bill further, SECTION 3, by striking Section 16-8-240(A) and (B) and inserting:

(A) It is unlawful for a person employed by or associated with a criminal gang to conduct or participate in a criminal gang activity offense, as defined in Section 16-8-230.

(B) It is unlawful for a person to commit a criminal gang activity offense, as defined in Section 16-8-230, with the intent to obtain or earn membership or maintain or increase his status or position in a criminal gang.

Amend the bill further, SECTION 3, by striking Section 16-8-240(D), (E), (F), (G), (H), (I), and (J) and inserting:

(D) It is unlawful for a person who occupies a position of organizer, a supervisory position, or any other position of management or leadership with regard to a criminal gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.

(E) It is unlawful for a person to cause, encourage, solicit, recruit, or coerce another to become a member or associate of a criminal gang, to participate in a criminal gang, or to conduct or participate in criminal gang activity.

(F) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with

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the intent to deter such person from assisting a member or associate of a criminal gang to withdraw from a criminal gang.

(G) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for having withdrawn from a criminal gang.

(H) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for refusing to or encouraging another to refuse to become or obtain the status of a member or associate of a criminal gang.

(I) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for providing statements or testimony against criminal gangs or any criminal gang member or associate.

(J) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to intimidate, deter, or prevent a person from communicating to a law enforcement or corrections officer, prosecuting attorney, or judge information relating to criminal gangs, criminal gang members or associates, or criminal gang activity.

Amend the bill further, SECTION 3, by striking Section 16-8-240(L) and inserting:

(L) In addition to any other penalty provided in this section, all sentences imposed pursuant to this section require as a special condition of the sentence that the person sentenced may not knowingly have contact of any kind or character with any other member or associate of a criminal gang, may not participate in any criminal gang activity and, in cases involving a victim, may not knowingly have contact of any kind or character with any such victim or any member of the victim's family or household. This special condition of the sentence does not apply to prisoners or inmates in the custody of the Department of Corrections or local jails or a child in the custody of the Department of Juvenile Justice or local jail.

Amend the bill further, SECTION 3, by striking Section 16-8-250(A) and inserting:

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(A) Any real property which is erected, established, maintained, owned, leased, or used by a criminal gang for the purpose of conducting criminal gang activity constitutes a public nuisance and may be abated pursuant to Chapter 43, Title 15.

Amend the bill further, SECTION 3, by striking Section 16-8-250(C) and inserting:

(C) The State, political subdivision, or any person aggrieved by a criminal gang or criminal gang activity may bring an action to enjoin a violation of this article.

Amend the bill further, SECTION 3, by striking Section 16-8-270(A) and inserting:

(A) For the purpose of proving the existence of a criminal gang and criminal gang activity, the adjudication or conviction by any plea or trial of a criminal gang activity offense enumerated in Section 16-8-230 by any member or associate of a criminal gang is admissible in any trial or proceeding. If the prosecution seeks to offer evidence of a third party adjudication or conviction, the person so adjudicated or convicted must be available for cross examination in order for the evidence to be admitted. The pendency of an appeal may be shown but does not affect admissibility.

Amend the bill further, by striking SECTION 5 and inserting:

SECTION 5. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of criminal gang and criminal enterprise prevention and associated anti-racketeering provisions as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (SJ-154.MB0006S), which was withdrawn:

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Amend the bill, as and if amended, by deleting SECTIONS 1, 2, and 3.

Amend the bill further, by striking SECTION 5 and inserting:

SECTION 5. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of criminal enterprise prevention and associated anti-racketeering provisions as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Senator MALLOY proposed the following amendment (SJ-154.MB0007S), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 1, 2, and 3.

Amend the bill further, SECTION 4, Section 16-8-540, by adding subsections to read:

(E) When two or more defendants are jointly charged with engaging in a violation of Section 16-8-530, they must be tried jointly unless the court orders separate trials. Severance may not be granted as a matter of law when codefendants present mutually antagonistic defenses, but may be granted, in the court's exercise of discretion, only when there is a serious risk that a joint trial would compromise a specific trial right of a codefendant or prevent the jury making a reliable judgement about a codefendant's guilt. In ordering separate trials, the court in its discretion may order a separate trial as to one or more defendants, and a joint trial as to the others, or may order any number of the defendants to be tried at one trial, and any number of the others at different trials, or may order a separate trial for each defendant; provided, that when two or more persons can be jointly tried, the fact that separate accusatory pleadings were filed does not prevent their joint trial.

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(F) Nothing in this section limits prosecution under any other provision of law.

Amend the bill further, SECTION 4, by striking Section 16-8-550(A) and inserting:

(A) The circuit court, after making due provisions for the rights of innocent persons, may enjoin violations of Section 16-8-530 by issuing appropriate orders and judgments including, but not limited to:

(1) ordering any defendant to divest himself of any interest in any enterprise, real property, or personal property;

(a) The court may determine any real property maintained, owned, leased, or used by an enterprise for the purpose of conducting racketeering activities constitutes a public nuisance and may be abated pursuant to Chapter 43, Title 15.

(b) An action to abate a nuisance pursuant to this section may be brought by the Attorney General or the circuit solicitor in the appropriate state or municipal court;

(2) imposing reasonable restrictions upon the future activities or investments of any defendant including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of Section 16-8-530;

(3) ordering the dissolution or reorganization of any enterprise;

(4) ordering the suspension or revocation of any license, permit, or prior approval granted to any enterprise by any agency of the State; or

(5) imposing restrictions that a person sentenced may not knowingly have contact of any kind or character with any other member or associate of the enterprise. This condition does not apply to prisoners or inmates in custody of the South Carolina Department of Corrections or a local jail within the State and does not apply to a child in the custody of the Department of Juvenile Justice or a local jail.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 8, Article 5, Title 16 of the S.C. Code is amended by adding:

Section 16-8-560. In any criminal proceeding, the crime will be considered to have been committed in any county in which an incident of racketeering activity, as defined in this article, occurred or in which an interest or control of an enterprise or real or personal property is acquired or maintained.

Amend the bill further, by striking SECTION 5 and inserting:

SECTION 5. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the

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South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of criminal enterprise prevention and associated anti-racketeering provisions as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 543 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-11-140, RELATING TO AUTHORIZATION OF FISCAL ACCOUNTABILITY AUTHORITY THROUGH THE OFFICE OF INSURANCE RESERVE FUND, SO AS TO PROVIDE FOR EXTENSION OF COVERAGE TO EMPLOYEES OF ENTITIES INSURED BY THE INSURANCE RESERVE FUND PROVIDED THAT EMPLOYEES ACTED IN GOOD FAITH AND WITHIN THE SCOPE OF EMPLOYMENT.

Senator ALEXANDER objected to consideration of the Bill.

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AMENDED, READ THE SECOND TIME

S. 723 -- Senators Talley, Turner and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-20, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; AND BY AMENDING SECTION 45-2-60, RELATING TO THE EJECTMENT OF A PERSON FROM A LODGING ESTABLISHMENT, SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT.

The Senate proceeded to a consideration of the Bill.

Senators MASSEY, RANKIN and TURNER proposed the following amendment (SR-723.JG0005S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 37, Title 27 of the S.C. Code is amended by adding:

Amend the bill further, SECTION 10001, by adding:

Section 27-37-200.(A) A property owner or his authorized representative may request from the sheriff of the county in which the property is located the immediate removal of a person unlawfully occupying a residential dwelling pursuant to this section if the following conditions are met:

(1) the requesting person is the property owner or authorized agent of the property owner;

(2) the real property that is being occupied includes a residential dwelling;

(3) an unauthorized person has unlawfully entered, remains, or continues to reside on the owner's property;

(4) the real property was not open to members of the public at the time the unauthorized person entered;

(5) the property owner has directed the unauthorized person to leave the property;

(6) the unauthorized person is not a current or former tenant pursuant to a written or oral agreement authorized by the property owner;

(7) the unauthorized person is not an immediate family member of the property owner; and

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(8) there is no pending litigation related to the real property between the property owner and the person unlawfully occupying the property.

(B) To request the immediate removal of an unlawful occupant of a residential dwelling, the property owner or his authorized representative must submit a complaint to remove persons unlawfully occupying residential real property to the sheriff of the county in which the real property is located. In the submitted complaint, the owner or authorized agent of the owner of the real property must state the legal description of the property and declare under the penalty of perjury that:

(1) he is the owner of the real property or the authorized representative of the owner of the real property;

(2) he purchased the property and provide the date of purchase;

(3) the real property is a residential dwelling;

(4) an unauthorized person has unlawfully entered and is remaining or residing unlawfully on the real property;

(5) the real property was not open to members of the public at the time the unauthorized person entered;

(6) he has directed the unauthorized person to leave the real property, but they have not done so;

(7) the person is not a current or former tenant pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent;

(8) the unauthorized person sought to be removed is not an owner or a co-owner of the property and has not been listed on the title to the property unless the person has engaged in title fraud;

(9) the unauthorized person is not an immediate family member of the property owner;

(10) there is no litigation related to the real property pending between the property owner and the person sought to be removed;

(11) the owner of the property understands that a person removed from the property pursuant to this procedure may bring a cause of action against the owner of the property for any false statements made in the complaint, or for wrongfully using the procedure, and that as a result of such action the owner of the property may be held liable for actual damages, penalties, costs, and reasonable attorney's fees;

(12) the owner of the property is requesting the sheriff to immediately remove the unauthorized person from the residential property;

(13) the owner of the property must attach a copy of a valid government-issued identification, or if a representative of the property

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owner, attach documents evidencing representative's authority to act on the property owner's behalf; and

(14) the form must be signed by the owner of the property or the representative of the owner of the property, and it must include the following language: I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 16-9-10 OF THE SOUTH CAROLINA CODE.

(C) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized representative of the owner and appears otherwise entitled to relief under this section. If the complaint is verified, then the sheriff must, without delay, serve a notice to immediately vacate on all unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespassing, outstanding warrants, or any other legal cause.

(D) The sheriff is entitled to a fee for service of the notice to immediately vacate as provided in Section 23-19-10. After the sheriff serves the notice to immediately vacate, the property owner or authorized representative may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his authorized representative is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

(E) A person may bring a civil cause of action for wrongful removal against the person who requested such removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent

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of the dwelling, court costs, and reasonable attorney's fees. The court shall advance the cause on the calendar.

(F) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-785. A person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing one thousand dollars or more in damages is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

SECTION X. Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-790. A person who lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he has no lawful ownership in the property or leasehold interest in the property, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

SECTION X. Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-795. Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 841 -- Senators Alexander and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROSECUTORS PERSONAL PRIVACY PROTECTION ACT" BY ADDING ARTICLE 9 TO CHAPTER 2, TITLE 30 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE CURRENT AND FORMER PROSECUTORS HAVE THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS

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OPTION, AMONG OTHER THINGS; AND TO PROVIDE THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SHALL CREATE A FORM FOR USE BY PROSECUTORS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-841.MB0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

SECTION 1. This act may be cited as the “Prosecutors and Public Defenders Personal Privacy Protection Act”.

Amend the bill further, SECTION 2, by striking the name to Article 9 and inserting:

Prosecutors and Public Defenders Personal Privacy Protection Act

Amend the bill further, SECTION 2, by striking Section 30-2-900(1) and (2) and inserting:

(1) “Eligible requesting party” means an active or former prosecutor or public defender who has filed a formal request under the provisions of the article.

(2) “Personal contact information” means the name, home address, personal cellular phone number, or property tax map number, if applicable, of the eligible requesting party that is included in a database or an image or a copy of an official record posted on a publicly available state or local government agency website.

Amend the bill further, SECTION 2, Section 30-2-900 by adding:

(4) “Public defender” means current and former:

(a) circuit defenders, county public defenders, or assistant public defenders as set forth in Sections 17-3-520, 17-3-530, 17-3-540, and 17-3-580;

(b) federal public defender for the District of South Carolina and assistant federal public defenders for the District of South Carolina.

Amend the bill further, SECTION 2, by striking Section 30-2-910(A) and inserting:

(A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency if the prosecutor or public defender:

(1) notifies the state or local government agency of the prosecutor’s or public defender’s choice to remove and redact personal contact

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information from a publicly available state or local government agency database or from an image or copy of an official record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency by submission of a form provided by the South Carolina Commission on Prosecution Coordination; and

(2) provides verification of current or active service as a prosecutor or public defender from the prosecutor's or public defender's current or former prosecution or public defender employer.

Amend the bill further, SECTION 2, by striking Section 30-2-910(B)(1) and inserting:

(1) the prosecutor or public defender rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

Amend the bill further, SECTION 2, by striking Section 30-2-910(B)(3) and inserting:

(3) the prosecutor or public defender requests release of the prosecutor's or public defender's personal information from a state or local government agency for a specific purpose and for a limited time; or

Amend the bill further, SECTION 2, by striking Section 30-2-910(C) and (D) and inserting:

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible prosecutor or public defender.

(D) Any personal contact information, as defined under this article, must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article may not be construed to prevent disclosure of other public information otherwise allowed by law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Section 30-2-915. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

Amend the bill further, by striking SECTION 3 and inserting:

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SECTION 3. Within thirty days after the effective date of this act, the South Carolina Commission on Prosecution Coordination shall create and distribute to the offices of the solicitors, the South Carolina Attorney General, the United States Attorney for the District of South Carolina, the circuit public defenders, and the federal public defender for the District of South Carolina a form to use to request a state or local government agency remove or redact personal contact information from an image or copy of an official record placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency. The form shall be created in collaboration with South Carolina Court Administration and the Criminal Justice Academy to ensure consistent information is provided to the state or local government agency. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, South Carolina Bar number, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 30-2-500 of the S.C. Code is amended to read:

Section 30-2-500. For the purposes of this article:

(1) "Personal contact information" means the name, home address or, personal cellular telephone number, property tax map number, if applicable, of the eligible requesting party that is included in a database or on an image or a copy of an official record posted on a publicly available state or local government agency website.

(2) "Eligible requesting party" means an active or former law enforcement officer who has filed a formal request under the provision of this article.

(3) "Law enforcement officer" means an active or former federal, state, or local certified law enforcement officer or corrections officer.

SECTION X. Section 30-2-510 of the S.C. Code is amended to read:

Section 30-2-510. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

(1) notifies the state or local government agency of the law enforcement officer's choice to ~~restrict public access to or posting of~~

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~~personal contact information~~ remove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an official record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency by submission of a form produced by the South Carolina Criminal Justice Academy; and

(2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

(B) A choice made under this article remains valid with the following exceptions:

(1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

(3) the law enforcement officer requests release of the law enforcement officer's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law.

(C) Information protected under the provisions of this article may be disclosed to another governmental agency, under subpoena, by order of the court, or upon written consent of the eligible law enforcement officer.

(D) Any personal contact information as defined under this article must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of ~~any other otherwise public information allowed by law~~ other public information otherwise allowed by law.

(E) A governmental agency that redacts or withholds information under this article shall provide to ~~the~~ requestor a description of the redacted or withheld information and a citation to this ~~act~~ article.

(F) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

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Section 30-2-515. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION X. Section 30-2-700 of the S.C. Code is amended to read:

Section 30-2-700. For the purpose of this article:

(1) "Personal contact information" means the name, home address or personal cellular telephone number, or tax map number, if applicable, of the eligible requesting party that are included in a database or an image or a copy of an official record on a publicly available state or local government website.

(2) "Eligible requesting party" means an active or a former judge who has filed a formal request under the provisions of this article.

SECTION X. Section 30-2-710 of the S.C. Code is amended to read:

Section 30-2-710. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

(1) notifies the state or local government agency of the judge's choice to ~~restrict public access to or posting online of personal contact information~~ remove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an office record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of the state or local government agency by submission of a form provided produced by the South Carolina Court Administration; and

(2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

(B) A choice made under this article remains valid with the following exceptions:

(1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

(3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

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(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

(D) Any personal contact information, as defined under this article, must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of other public information otherwise allowed by law.

(E) A state or local government agency that redacts or withholds information under this article shall provide to ~~the~~ requestor a description of the redacted or withheld information and a citation to this article.

(F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Section 30-2-715. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 4. This act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 844 -- Senator Rankin: A JOINT RESOLUTION TO CREATE A REVIEW AND STUDY COMMITTEE, TO PROVIDE THAT THE REVIEW AND STUDY COMMITTEE SHALL CONDUCT A THOROUGH STUDY AND REVIEW OF SOUTH CAROLINA'S CIVIL JUSTICE AND INSURANCE LAWS REGARDING COVERAGE AVAILABILITY, PREMIUM RATES, AND DEDUCTIBLES; AND TO PROVIDE THAT THE REVIEW AND STUDY COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE GOVERNOR.

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On motion of Senator MASSEY, the Resolution was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 849 -- Senators Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-230, RELATING TO SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO ADD XYLAZINE AS A SCHEDULE III CONTROLLED SUBSTANCE, WITH EXCEPTIONS; AND BY ADDING SECTION 44-53-372 SO AS TO PROHIBIT THE PRODUCTION, MANUFACTURE, DISTRIBUTION, OR POSSESSION OF XYLAZINE, WITH EXCEPTIONS, AND TO ESTABLISH ASSOCIATED CRIMINAL PENALTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-849.MB0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-230(c)(13) and inserting:

13. Xylazine.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-373. Nothing in this article applies to veterinarians in connection with the practice of their profession and the legitimate use of xylazine within the veterinary practice, including:

(A) the distribution or possession of xylazine by a licensed veterinarian for use in legitimate veterinary practice;

(B) the possession of xylazine pursuant to a valid prescription from a licensed veterinarian; or

(C) the possession of xylazine in an injectable form for use in a nonhuman species.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

WEDNESDAY, APRIL 3, 2024

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 866 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO PROVIDE A REASONABLE EXPECTATION STANDARD FOR THE DETERMINATION OF WHETHER SOMEONE IS LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE; AND BY AMENDING SECTION 44-48-20, RELATING TO LEGISLATIVE FINDINGS, SO AS TO CLARIFY THE METHOD OF DETERMINATION FOR THE LIKLIHOOD THAT A PERSON WILL ENGAGE IN FUTURE ACTS OF SEXUAL VIOLENCE.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-866.SW0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-48-30(9) and inserting:

(9) “Likely to engage in acts of sexual violence” means that a ~~person is predisposed~~ person’s propensity to engage in ~~commit~~ acts of sexual violence ~~and more probably than not will~~ is of such a degree ~~engage in acts of sexual violence to such a degree~~ as to pose a menace to the health and safety of others.

Amend the bill further, SECTION 2, by striking Section 44-48-20 and inserting:

Section 44-48-20. The General Assembly finds that a mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment in a secure facility for long-term control, care, and treatment. The General Assembly further finds that the likelihood these sexually violent predators will engage in repeated acts of sexual violence if not treated for their mental conditions is significant. Because the existing civil commitment process is inadequate to address the special needs of sexually violent predators and the risks that they present to society, the General Assembly has determined that a separate, involuntary civil commitment process for the long-term control, care, and treatment of sexually violent predators is necessary. The General Assembly also determines that, because of the nature of the mental conditions from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily committed sexually violent predators in secure facilities separate from persons involuntarily committed under traditional civil commitment statutes. The civil commitment of sexually violent predators is not intended to stigmatize the mentally ill community.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 890 -- Senators Tedder and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, VEHICLES, OR EQUIPMENT, AND PENALTIES, SO AS TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY DISCHARGE FIREARMS AT OR IN THE DIRECTION OF ONE OR MORE INDIVIDUALS, AND PROVIDE A PENALTY.

Senator CORBIN objected to consideration of the Bill.

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READ THE SECOND TIME

S. 1088 -- Senators Young, Hutto and Massey: A BILL TO AMEND SECTION 2 OF ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2026.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 1126 -- Senators Kimbrell, Peeler, Rice, M. Johnson, Adams, Climer, Garrett, Cash, Young, Alexander, Reichenbach, Shealy, Grooms, Cromer, Turner, Loftis, Fanning, Gustafson, Goldfinch, Massey, Campsen, Bennett, Martin, Corbin and Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO VOTER QUALIFICATIONS, SO AS TO CLARIFY THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-1126.PB0002S), which was adopted:

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Amend the joint resolution, as and if amended, SECTION 2, by striking the second undesignated paragraph and inserting:

“Must Section 4, Article II of the Constitution of this State, relating to voter qualifications, be amended so as to provide that only a citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senators JACKSON, MATTHEWS, and DEVINE proposed the following amendment (LC-1126.WAB0003S), which was ruled out of order:

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. It is proposed that Article I of the Constitution of this State be amended by adding:

Section 26. The provisions of Section 3 and Section 10 of this article provide for right of bodily integrity and autonomy that includes a limited right to an abortion. The General Assembly shall provide by law for regulation of abortion in this State, including that a clinically diagnosable pregnancy may be terminated up to the point of viability and whether state funding may be used to terminate a clinically diagnosable pregnancy.

Amend the joint resolution further, by adding an appropriately numbered SECTION to read:

SECTION X. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the Declaration of Rights, be amended so as to provide for a right to bodily integrity and autonomy that includes a limited right to an abortion and to authorize the General Assembly to provide by law for the regulation of abortion in this State, including that a clinically diagnosable pregnancy may be terminated up to the point of viability and whether state funding may be used to terminate a clinically diagnosable pregnancy?

Yes o

No o

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Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'."

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The question being the adoption of the amendment.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MATTHEWS spoke against the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 3

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpoottian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

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Total--40

NAYS

Devine

Matthews

McLeod

Total--3

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 4029 -- Reps. Dillard, Hyde, Bailey, Brittain, Weeks and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

On motion of Senator BENNETT, the Bill was carried over.

AMENDED, READ THE SECOND TIME

H. 4552 -- Reps. Pendarvis, Clyburn, Henegan, M.M. Smith, B.L. Cox, Robbins, Brewer, King, Wheeler, Henderson-Myers, Erickson, Stavrinakis, Weeks, Davis, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 31-12-30, RELATING TO REDEVELOPMENT OF FEDERAL MILITARY INSTALLATIONS DEFINITIONS, SO AS TO PROVIDE THAT A REDEVELOPMENT PROJECT INCLUDES CERTAIN AFFORDABLE HOUSING PROJECTS.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT proposed the following amendment (LC-4552.DG0003S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 and inserting:

SECTION 3. This act takes effect July 1, 2024.

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

WEDNESDAY, APRIL 3, 2024

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4928 -- Reps. Davis, B.J. Cox, Hart, Jefferson, J. Moore, Caskey and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-10, RELATING TO THE ESTABLISHMENT OF VETERANS' TRUST FUND, SO AS TO PROVIDE FOR FUNDRAISING; AND BY AMENDING SECTION 25-21-30, RELATING TO THE DUTIES AND FUNCTIONS OF THE VETERANS' TRUST FUND BOARD OF TRUSTEES, SO AS TO PROVIDE FOR THE ABILITY TO FUNDRAISE.

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The Senate proceeded to a consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-4928.KM0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 25-21-30(11) and inserting:

(11) fundraise, to include making disbursements from the fund in support of fundraising activities. The disbursements may not exceed the lesser of one percent of the assets of the fund or fifty percent of the amount allowed to be disbursed pursuant to Section 25-21-40 per calendar year based on the closing balance of the fund and the end of the preceding calendar year.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

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Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 1221 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO RECORDKEEPING, DESIGNATED AS REGULATION DOCUMENT NUMBER 5258, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1222 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE LICENSING BOARD FOR CONTRACTORS, RELATING TO STATE LICENSING BOARD FOR CONTRACTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5244, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1223 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO ENVIRONMENTAL CERTIFICATION BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 5245, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1224 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, RELATING TO PROFESSIONAL LAND SURVEYOR LICENSURE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5246, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1225 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR THE BUILDING CODES COUNCIL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5243, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1226 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - SOUTH CAROLINA REAL ESTATE COMMISSION, RELATING TO SOUTH CAROLINA REAL ESTATE COMMISSION (RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENT FORM), DESIGNATED AS REGULATION DOCUMENT NUMBER 5238, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

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CARRIED OVER

S. 1227 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO COMPENSATION FOR THE OCCUPATIONAL HEALTH AND SAFETY REVIEW BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 5236, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

CARRIED OVER

S. 1228 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO TRANSPORTATION OF RADIOACTIVE WASTE INTO OR WITHIN SOUTH CAROLINA, DESIGNATED AS REGULATION DOCUMENT NUMBER 5226, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

OBJECTION

H. 4364 -- Reps. W. Newton, Davis, Rutherford, Bernstein, M.M. Smith, Ott, Brittain, Guest, Hewitt, Elliott, Stavrinakis, Bradley, Wooten, Murphy, Herbkersman, Leber, Sessions, Caskey, Rose, Mitchell, Brewer, Guffey, Hardee, Collins, Gatch, B. Newton, Pace, Bauer, Bailey, Erickson, Schuessler and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURBSIDE SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 61-4-45 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; BY ADDING SECTION 61-4-280 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN BEER AND WINE AND TO PROVIDE FOR REQUIREMENTS; BY ADDING SECTION 61-6-1570 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN

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LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; AND BY ADDING SECTION 61-6-1580 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN ALCOHOLIC LIQUORS AND TO PROVIDE FOR REQUIREMENTS.

Senator GARRETT objected to consideration of the Bill.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

CARRIED OVER

S. 533 -- Senators Alexander, Peeler, Cromer, Davis, Bennett, Grooms, Hembree, Verdin, Massey, Climer, Martin, Shealy, Turner, Kimbrell, Gambrell, Rice, Loftis, Reichenbach, Cash, Gustafson, Campsen, Corbin, Williams and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 15-38-15, 15-38-20(A), 15-38-40(B), AND 15-38-50, ALL RELATING TO THE SOUTH CAROLINA CONTRIBUTION AMONG TORTFEASORS ACT, TO INCLUDE PERSONS OR ENTITIES FOR THE PURPOSES OF ALLOCATION OF FAULT AND TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Motion Adopted

Senator MASSEY asked unanimous consent to waive the two hour time limit under the provisions of Rule 15A.

Motion Under Rule 15A Failed

At 5:29 P.M., Senator MASSEY moved under the provisions of Rule 15A that debate on the entire matter be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 20; Nays 23

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Grooms	Hembree	Kimbrell
Loftis	Massey	Peeler

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Reichenbach	Rice	Shealy
Turner	Verdin	

**Total--20
NAYS**

Allen	Davis	Devine
Fanning	Garrett	Goldfinch
Gustafson	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Malloy	Martin	Matthews
McLeod	Rankin	Sabb
Senn	Talley	Tedder
Williams	Young	

Total--23

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Motion Adopted

Senator MASSEY moved to discharge S. 533 from the Special Order Status.

The was no objection.

Recorded Vote

Senator MARTIN desired to be recorded as voting against the motion.

Motion Adopted

On motion of Senator MASSEY, the Bill was carried over.

Recorded Vote

Senators MARTIN and CLIMER desired to be recorded as voting against the motion to carry over the Bill.

Statement by Senators YOUNG and MICHAEL JOHNSON

For weeks, we worked with representatives of the insurance industry and others promoting the passage of S.533 as originally filed to draft a compromise version that could pass the Senate. After dozens of hours and several meetings, we reached an amended version of S.533 that would have allowed allocation of fault to non-parties on a verdict form with limited exceptions. Additionally, the compromise version included

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additional provisions to address liquor liability insurance issues by establishing a visible intoxication liability standard; clarifying that existing mandatory insurance coverage requirements are aggregate and not per occurrence limits; specifying that non-profits, like Veterans of Foreign Wars (VFW) posts serving alcohol, would be required to carry no more than \$500,000 in aggregate liability insurance coverage; and allowing a business serving alcohol to qualify for a reduction in aggregate insurance coverage limits by meeting certain requirements. Unfortunately, just prior to the start of debate on the Bill, the proposed compromise version was rejected. Because the cloture vote applied to the original version of S.533 and not the compromise version that we reached in our extensive efforts, we voted “no” to cloture.

Statement by Senator SENN

I write to express frustration about a lot of wasted hope and time spent on this Bill which was an attempt to address joint tortfeasor liability in a fair manner. This Bill died because of an unwillingness on the part of the impacted industries to negotiate. In particular, the proponents of the Bill insisted that they get 100% of what they wanted and in so doing, they failed to get anything accomplished.

To be sure, it was always going to be difficult to get full agreement on how to handle bars when their tenders negligently serve alcohol. The good bars and restaurants which are careful not to serve drunks are getting charged the same insurance premiums as the bad ones who let patrons get stinking drunk and drive away. There is no fairness or justice in such lack of inequitable premiums and the insurance industry is in part to blame because they treat all insureds the same regardless of lack of culpability. This needs to change and there is a legislative effort underway to ensure this practice stops but that Bill cannot pass this year. It requires study and verification, and the insurance companies often fight us from getting the information we need. They say that they have a business privacy right not to disclose how they set premiums to state regulators. So that is a bigger battle for another year.

I believe that many issues could have been resolved for most businesses and industries other than bars with the passage of S. 533 and that there has been a missed opportunity. A negotiated Bill to try and fix it all was being circulated in the lobby but not to decision makers by Senator YOUNG and Senator MICHAEL JOHNSON. Those were the only two Senators tapped by Senator SHANE MASSEY to work with the lobbyists for all sides to get the differences resolved. Senator

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MASSEY's strategy of having only two Senators who are also lawyers mediate matters for the parties unfortunately did not succeed. NONE of the rest of the Senators were made privy to those negotiations which went on for hours and hours

while the rest of us sat there twiddling our thumbs. It was very unusual to have only two Senators attempt to get the parties to agree but that is what we were told was happening. According to those two Senators and others in the lobby, their proposals would fix problems with apportioning liability properly to the other industries except the bar business.

After negotiations, the proponents allegedly insisted on an all or nothing proposition. Therefore, to any business group that wanted this Bill to pass, know that your team of lobbyists banded together thinking they were coming from a position of strength by sticking together in hope of an all or nothing proposition which is not what negotiations are about. When their position was, "We agree to zero changes in the Bill", zero is what every proponent got.

There is hope left in that there is a House Bill that might still offer an opportunity for bars and restaurants to get some insurance premium relief. That Bill is H. 5066 and if passed will allow restaurants and bars that close at or before 10:00 P.M. to get a better cost for coverage. The details of that Bill will need to be sorted out and have not been reviewed by me as of this date.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day and proceed directly to the Second Reading Calendar.

AMENDED, READ THE SECOND TIME

S. 843 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-120, RELATING TO MISREPRESENTATIONS PROHIBITED, SO AS TO PROHIBIT A SOLICITATION FROM A PERSON OR GROUP REPRESENTING ITSELF AS A SOUTH CAROLINA-BASED NATIVE AMERICAN INDIAN TRIBE OR SOUTH CAROLINA-BASED NATIVE AMERICAN ENTITY UNLESS THE GROUP HAS BEEN FEDERALLY ACKNOWLEDGED AS A TRIBE, OR DESIGNATED AS A TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION BY THE BOARD OF THE STATE COMMISSION FOR MINORITY AFFAIRS.

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The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (SJ-843.PB0016S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 33-56-120, by adding a subsection to read:

(I) This section does not provide, convey, or authorize any entity to conduct gaming, gambling, or casino operations in South Carolina.

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Shealy	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

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Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 32 -- Senators Hutto, Senn and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-170, RELATING TO THE REQUIRED CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF THE MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, SO AS TO ALLOW AN INSURED TO SEEK A COURT ORDER FOR A PRESUIT DEPOSITION WHEN THE INSURED IS UNABLE TO OBTAIN AN AFFIDAVIT FROM A WITNESS TO THE ACCIDENT AND TO ALLOW AN INSURED TO SUBMIT ELECTRONIC OR OTHER RECORDING OF THE ACCIDENT TO MEET THE REQUIRED CONDITIONS OF THE UNINSURED MOTORIST PROVISION.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn

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Shealy
Turner
Young

Talley
Verdin

Tedder
Williams

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT TABLED
AMENDED, READ THE SECOND TIME**

S. 846 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-31-401, RELATING TO CORPORATE NAME, SO AS TO PROHIBIT THE USE OF CERTAIN INDIAN DESCRIPTIONS AS PART OF A NONPROFIT CORPORATION'S CORPORATE NAME UNLESS THE ENTITY IS A FEDERALLY ACKNOWLEDGED TRIBE OR A STATE DESIGNATED TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-846.PH0001S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 33-31-401(g)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting:

(g)(1) After the effective date of this subsection, no domestic corporation or association organized or doing business in this State claiming to represent a bona fide Native American Indian Group or Native American Indian Tribe may use any of the following terms as part of its corporate name, unless the corporation or association complies with the requirements provided in subsection (g)(2):

- (i) Indian Nation;
- (ii) Indian Tribe;
- (iii) Indian People;
- (iv) Indian Group;
- (v) Indian Organization;
- (vi) Indian Association;

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(vii) Indian Reservation;

(viii) Indian Council;

(ix) Urban Indian; or

(x) State Recognized Tribe.

(2) A corporation or association claiming to represent a bona fide Native American Indian Group or Native American Indian Tribe may use the terms listed in subsection (g)(1) in its corporate name only if:

(i) it is a federally acknowledged tribe, as provided in Part 83 of Title 25 of the Code of Federal Regulations; or

(ii) it has been designated as a state-recognized tribe by the board of the State Commission for Minority Affairs, as provided in the regulations promulgated pursuant to Chapter 31, Title 1 of the South Carolina Code of Laws.

(3) The Secretary of State may request written verification from the State Commission of Minority Affairs to the status of a Native American Indian Group or Native American Indian Tribe prior to filing a document containing a corporate name that includes any of the terms listed in subsection (g)(1).

(4) If the Secretary of State refuses to file a document for failing to meet the requirements provided in this section, the corporation or association that submitted the document may file an appeal pursuant to Section 33-31-126.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER moved to lay the amendment on the table.

The amendment was laid on the table.

Senator HUTTO proposed the following amendment (LC-846.PH0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 33-31-401(g) and inserting:

(g)(1) After the effective date of this subsection, no domestic corporation or association organized or doing business in this State claiming to represent a bona fide Native American Indian Group, Native American Indian Tribe, or Native American special interest organization may use any of the following terms as part of its corporate name, unless the corporation or association complies with the requirements provided in subsection (g)(2):

(i) Indian Nation;

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- (ii) Indian Tribe;
- (iii) Indian People;
- (iv) Indian Group;
- (v) Indian Organization;
- (vi) Indian Association;
- (vii) Indian Reservation;
- (viii) Indian Council;
- (ix) Urban Indian; or
- (x) State Recognized Tribe.

(2) A corporation or association claiming to represent a bona fide Native American Indian Group, Native American Indian Tribe, or Native American special interest organization may use the terms listed in subsection (g)(1) in its corporate name only if:

(i) it is a federally acknowledged tribe, as provided in Part 83 of Title 25 of the Code of Federal Regulations; or

(ii) it has been designated as a state-recognized group, tribe, or special interest organization by the board of the State Commission for Minority Affairs, as provided in the regulations promulgated pursuant to Chapter 31, Title 1 of the South Carolina Code of Laws.

(3) The Secretary of State may request written verification from the State Commission of Minority Affairs to the status of a Native American Indian Group, Native American Indian Tribe, or Native American special interest organization prior to filing a document containing a corporate name that includes any of the terms listed in subsection (g)(1).

(4) If the Secretary of State refuses to file a document for failing to meet the requirements provided in this section, the corporation or association that submitted the document may file an appeal pursuant to Section 33-31-126.

Renumber sections to conform.
Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

Senator CAMPSEN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the

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provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 1132 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-7-20, RELATING TO DEFINITIONS CONCERNING BARBERS AND BARBERING, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-7-390, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGISTS AND COSMETOLOGY, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-13-360, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; AND BY REPEALING SECTION 40-7-255 RELATING TO THE REGULATION OF HAIR-BRAIDING PRACTITIONERS.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and DAVIS proposed the following amendment (LC-1132.PH0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by deleting Section 40-7-20(3).

Amend the bill further, SECTION 3, by deleting Section 40-13-20(2).

Amend the bill further, SECTION 4, by deleting Section 40-13-360(4).

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 4

AYES

Adams	Alexander	Allen
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Bennett	Loftis	Senn
Tedder		

Total--4

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT TABLED
READ THE SECOND TIME**

S. 266 -- Senators Hutto, Jackson, Shealy, Devine, McLeod, Allen and Tedder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-820, RELATING TO OUT-OF-HOME PLACEMENT, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A

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RELATED COURT ORDER; BY AMENDING SECTION 63-19-1020, RELATING TO INSTITUTING PROCEEDINGS, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; BY AMENDING SECTION 63-19-1440, RELATING TO COMMITMENT, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; BY AMENDING SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-266.MF0016S), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 63-19-20(9) of the S.C. Code is amended to read:

(9) "Status offense" means an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents, truancy, or running away, ~~playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.~~

SECTION 2. Sections 63-19-820(C) and (E) of the S.C. Code are amended to read:

(C) ~~No~~ A child ~~may~~ must not be placed in secure confinement or ordered detained by the court in secure confinement in an adult jail or other place of detention for adults for more than six hours. ~~However, the prohibition against the secure confinement of juveniles in adult jails does not apply to juveniles who have been waived to the court of general sessions for the purpose of standing trial as an adult. Juveniles~~ A child placed in secure confinement in an adult jail during this six-hour period must be confined in an area of the jail which is separated by sight and sound from adults similarly confined.

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~~(E) A child who is taken into custody because of a violation of law which would not be a criminal offense under the laws of this State if committed by an adult must not be placed or ordered detained in an adult detention facility. A child who is taken into custody because of a violation of the law which would not be a criminal offense under the laws of this State if committed by an adult must not be placed or ordered detained more than twenty four hours in a juvenile detention facility, unless an order previously has been issued by the court, of which the child has notice and which notifies the child that further violation of the court's order may result in the secure detention of that child in a juvenile detention facility. If a juvenile is ordered detained for violating a valid court order, the juvenile may be held in secure confinement in a juvenile detention facility for not more than seventy two hours, excluding weekends and holidays. However, nothing in this section precludes a law enforcement officer from taking a status offender into custody. A child who is taken into custody because of a violation of law which would not be a criminal offense under the laws of this State if committed by an adult, or because of a violation of a court order related to a status offense, must not be placed or ordered detained in an adult or juvenile detention facility. If an order previously has been issued by the court, of which the child has notice and which notifies the child that further violation of the court's order may result in the out-of-home placement of that child, the child may be held in secure confinement in a juvenile detention facility, therapeutic foster care, crisis shelter, or other alternative nonsecure placement approved by the Department of Juvenile Justice, when leaving the child outside of state custody will not reasonably protect the child or the public, for not more than forty-eight hours, excluding weekends and holidays. However, nothing in this section precludes a law enforcement officer from initiating a case against a child allegedly committing a status offense, as long as all requirements listed in Section 63-19-1020(B) are met.~~

SECTION 3. Section 63-19-1020 of the S.C. Code is amended to read:

Section 63-19-1020. (A) The parent or custodian of a child, an official of a child welfare board, a public official charged by law with the care of the poor, the recognized agents of an agency, association, society, or institution, a person having knowledge or information of a nature which convinces the person that a child is delinquent or that a child, by reason of his own acts in accordance with this chapter, is subject to the jurisdiction of the court, any person who has suffered injury

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through the delinquency of a child, or an officer having an arrested child in charge, may institute a proceeding respecting the child.

(B) Before the department may accept a referral for the status offense of incorrigibility or before a petition for the offense of incorrigibility may be filed, the person or entity seeking to institute the proceeding first shall provide documentation indicating that the parent or custodian and the child have made reasonable efforts to resolve the challenges confronting the family through participation in family counseling, pastoral counseling, parenting improvement classes, or other family therapy services. If no prior assistance has been sought, the department shall refer the parent or custodian to service providers in the family's community or provide services itself to assist the family.

SECTION 4. Section 63-19-1410 of the S.C. Code is amended to read:

Section 63-19-1410. (A) When a child is found by decree of the court to be subject to this chapter, the court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child. Following the decree, the court by order shall enter the least restrictive appropriate disposition order from the following options in view of the seriousness of the delinquent act, such child's culpability as indicated by the circumstances of the particular case, the age of such child, such child's prior record, and such child's strengths and needs; and by order may:

(1) cause a child concerning whom a petition has been filed to be examined or treated by a physician, psychiatrist, or psychologist and for that purpose place the child in a ~~hospital or other~~ suitable facility; and

(2) order care and treatment as it considers best, except as otherwise provided in this section and may designate a state agency as the lead agency to provide a family assessment to the court. The assessment shall include, but is not limited to, the strengths and weaknesses of the family, problems interfering with the functioning of the family and with the best interests of the child, and recommendations for a comprehensive service plan to strengthen the family and assist in resolving these issues.

The lead agency shall provide the family assessment to the court in a timely manner, and the court shall conduct a hearing to review the proposed plan and adopt a plan as part of its order that will best meet the needs and best interest of the child. In arriving at a comprehensive plan, the court shall consider:

(a) additional testing or evaluation that may be needed;

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(b) economic services including, but not limited to, employment services, job training, food stamps, and aid to families with dependent children;

(c) counseling services including, but not limited to, marital counseling, parenting skills, and alcohol and drug abuse counseling; and

(d) any other programs or services appropriate to the child's and family's needs.

The lead agency is responsible for monitoring compliance with the court-ordered plan and shall report to the court as the court requires. In support of an order, the court may require the parents or other persons having custody of the child or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the child within the purview of this chapter to do or omit to do acts required or forbidden by law, when the judge considers the requirement necessary for the welfare of the child. In case of failure to comply with the requirement, the court may proceed against those persons for contempt of court;

(3) place the child on probation or under supervision in the child's own home or in the custody of a suitable person elsewhere, upon conditions as the court may determine;

(a) A child placed on probation by the court remains under the authority of the court only until the expiration of the specified term of the child's probation. This specified term of probation ~~may~~ presumptively shall not exceed two years for a felony offense or one year for a misdemeanor or status offense, but in no case may probation expire before but not extend after the twentieth birthday of the child. Probation means casework services during a continuance of the case. A child adjudicated delinquent for a probation violation or held in contempt for violation of a prior court order may be placed on probation for up to an additional six months. When a child is adjudicated for multiple offenses, the maximum term of probation shall be calculated based on the most severe adjudicated offense. The court may impose a longer term of probation if agreed to by the parties, or can extend the term if it is needed for the child to finish an evidence-based program as recommended by a clinical evaluation, but in no case may probation extend after the child's twentieth birthday;

(b) Probation means casework services during a continuance of the case. Probation must not be ordered or administered as punishment but as a measure for the protection, guidance, and well-being of the child and the child's family. Probation methods must be directed to the discovery and correction of the basic causes of maladjustment and to the

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development of the child's personality and character, with the aid of the social resources of the community;

~~(c) As a condition of probation, the court may order the child to participate in a community mentor program as provided for in Section 63-19-1430. The court may impose monetary restitution or participation in supervised work or community service, or both, as a condition of probation. Restitution presumptively shall not be ordered for any child who is under the age of sixteen at the time of the offense. To overcome this presumption, the State has a burden of proving by the preponderance of the evidence that the child has the ability to pay the restitution. The Department of Juvenile Justice, in coordination with local community agencies, shall develop and encourage employment of a constructive nature designed to make reparation and to promote the rehabilitation of the child. When considering the appropriate amount of monetary restitution to be ordered, the court shall establish the monetary loss suffered by the victim and then weigh and consider this amount against the number of individuals involved in causing the monetary loss, the child's particular role in causing this loss, and the child's ability to pay the amount over a reasonable period of time. The order for monetary restitution shall specify a monthly payment schedule that will result in full payment for the established amount of restitution by the end of the child's probationary period. In the absence of a monthly payment schedule, the Department of Juvenile Justice shall impose a payment schedule of equal monthly payments that will result in full restitution being paid by the end of the child's probationary period. If the court determines at a contempt of court hearing that the basis for holding the child in contempt is that the child has willfully failed to pay restitution, the court shall make specific findings on the record of the child's willful failure to pay and shall issue an order, other than a commitment order, that addresses the child's failure to pay. The Department of Juvenile Justice shall develop a system for the transferring of court-ordered restitution from the child to the victim or owner of property injured, destroyed, or stolen. As a condition of probation the court may impose upon the child a fine not exceeding two hundred dollars when the offense is one in which a magistrate, municipal, or circuit court judge has the authority to impose a fine. A fine may be imposed when commitment is suspended but not in addition to commitment;~~

(d) If a child is ordered to complete drug screens as a condition of probation or during the community evaluation period and if the child's health insurance does not cover the costs of the drug screens, the Department of Juvenile Justice shall pay for the drug screens or

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administer them at their local offices at no charge for the child. A child must not be required to pay for drug screens as part of any court order.;

(4) order the child to participate in a community mentor program as provided in Section 63-19-1430;

(5) commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes or under the guardianship of a suitable person. Commitment must be for an indeterminate period but in no event beyond the child's twenty-second birthday. Such commitment may only be ordered subject to the commitment limitations established by Section 63-19-1440;

(6) require that a child under twelve years of age who is adjudicated delinquent for an offense listed in Section 23-3-430(C) be given appropriate psychiatric or psychological treatment to address the circumstances of the offense for which the child was adjudicated; ~~and~~

(7) place a child on administrative supervision with the Department of Juvenile Justice for a period of up to one year in order to pay restitution calculated pursuant to subitem (A)(3)(c), or complete community service or other sanction. Administrative supervision is not probation, and administrative supervision terminates automatically upon completion of the ordered sanction or sanctions; and

(8) dismiss the petition or otherwise terminate its—the court's jurisdiction at any time on the motion of either party or on its own motion.

(B) Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court information concerning the child which the court may require. Counsel of record, if any, must be notified by the court of an adjudication under this section, and in the event there is no counsel of record, the child or the child's parents or guardian must be notified of the adjudication by regular mail from the court to the last address of the child or the child's parents or guardian.

(C) No adjudication by the court of the status of a child is a conviction, nor does the adjudication operate to impose civil disabilities ordinarily resulting from conviction, nor may a child be charged with crime or convicted in a court, except as provided in Section 63-19-1210(6). The disposition made of a child or any evidence given in court does not disqualify the child in a future civil service application or appointment.

SECTION 5. Section 63-19-1440 of the S.C. Code is amended to read:

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Section 63-19-1440. (A) A child, after the child's twelfth birthday and before the eighteenth birthday or while under the jurisdiction of the family court for disposition of ~~an~~ criminal offense that occurred prior to the child's eighteenth birthday, or for conduct that is a violation of probation or an act of contempt of court where the prior order of probation or court order arose from an adjudication for a criminal offense, may be committed to the custody of the Department of Juvenile Justice which shall arrange for placement in a suitable corrective environment. Children under the age of twelve years may be committed ~~only~~ to the custody of the department which shall arrange for placement in a suitable corrective environment other than institutional confinement. No child under the age of eighteen years may be committed or sentenced to any other penal or correctional institution of this State.

(B) A child may be committed to the custody of the Department of Juvenile Justice as provided below if:

(1) the child has a current adjudication for an offense which would be an A, B, C, or D felony if committed by an adult;

(2) the child has a current adjudication for an offense which would be a misdemeanor if committed by an adult and one or more of the following apply:

(a) the current adjudicated offense involved the use of a firearm, as defined in Section 16-23-490(D); or

(b) the child has had at least one prior adjudication for an offense that would be a felony if committed by an adult and at least three other prior adjudications for a delinquent act;

(3) the child the child is adjudicated for an offense which would be a felony if committed by an adult;

(4) the child is adjudicated for an offense which is a lesser included offense to the petitioned felony offense; and

(5) the parties agree that a commitment is in the child's best interest.

In any case in which the court commits the child to the custody of the department, the court shall issue individualized written findings as to why a less restrictive disposition option would not adequately protect the public or rehabilitate the child. For the purposes of this section, an adjudication is considered a prior adjudication only if the date of the commission of the subsequent offense or delinquent act occurred after the imposition of the sentence for the prior offense or delinquent act. All commitments to the custody of the Department of Juvenile Justice for delinquency as opposed to the conviction of a specific crime may be made only for the reasons and in the manner prescribed in Sections 63-3-510, 63-3-520, 63-3-580, 63-3-600, 63-3-650, and this chapter, with

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~~evaluations made and proceedings conducted only by the judges authorized to order commitments in this section. When a child is committed to the custody of the department, commitment must be for an indeterminate sentence, not extending beyond the twenty-second birthday of the child unless sooner released by the department, or for a determinate commitment sentence not to exceed ninety days.~~

~~(C) The court, before committing a child as a delinquent or as a part of a sentence including commitments for contempt, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than forty five days for evaluation. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition. The department is authorized to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community. The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:~~

~~— (1) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;~~

~~— (2) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child's previous evaluation or other equivalent information is available to the court; or~~

~~— (3) receives a determinate commitment sentence not to exceed ninety days. A child must not be committed to the Department of Juvenile Justice for a status offense, or any violation of a court order related to a status offense. A child who is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense may not be committed to the Department of Juvenile Justice.~~

~~(D) All commitments to the custody of the Department of Juvenile Justice for delinquency as opposed to the conviction of a specific crime~~

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may be made only for the reasons and in the manner prescribed in Sections 63-3-510, 63-3-520, 63-3-600, 63-3-650, and this chapter, with evaluations made and proceedings conducted only by the judges authorized to order commitments in this section. When a child is committed to the custody of the department, the court must order:

(1) an indeterminate sentence, not extending beyond the twenty-second birthday of the child unless sooner released by the department;
or

(2) a determinate commitment sentence not to exceed ninety days.

(E) If a child is subject to a disposition order for more than one adjudicated offense, the child may not be committed for consecutive determinate commitment sentences when the total length of the determinate commitment would be for longer than the minimum parole guideline as established by the release authority, pursuant to Article 17 of this title, if the child were to be committed to the Department of Juvenile Justice for an indeterminate period of time. When a juvenile is adjudicated delinquent or convicted of a crime or has entered a plea of guilty or nolo contendere in a court authorized to commit to the custody of the Department of Juvenile Justice, the juvenile may be committed for an indeterminate period until the juvenile has reached age twenty-two or until sooner released by the releasing entity or released by order of a judge of the Supreme Court or the circuit court of this State, rendered at chambers or otherwise, in a proceeding in the nature of an application for a writ of habeas corpus. A juvenile who has not been paroled or otherwise released from the custody of the department by the juvenile's nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. If not sooner released by the releasing entity, the juvenile must be released by age twenty-two according to the provisions of the juvenile's commitment; however, notwithstanding the above provision, any juvenile committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

—(E) A juvenile committed to the Department of Juvenile Justice following an adjudication for a violent offense contained in Section 16-1-60 or for the offense of assault and battery of a high and aggravated nature, who has not been paroled or released from the custody of the department by his eighteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. A juvenile who has not been paroled or released from the custody of the department by his nineteenth birthday must be transferred

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~~to the custody and authority of the Youthful Offender Division of the Department of Corrections at age nineteen. If not released sooner by the Board of Juvenile Parole, a juvenile transferred pursuant to this subsection must be released by his twenty-second birthday according to the provisions of his commitment. Notwithstanding the above provision, a juvenile committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.~~

~~(F) Notwithstanding subsections (A) and (E), a child may be committed to the custody of the Department of Juvenile Justice or to a secure evaluation center operated by the department for a determinate period not to exceed ninety days when:~~

~~— (1) the child has been adjudicated delinquent by a family court judge for a status offense, as defined in Section 63-19-20, excluding truancy, and the order acknowledges that the child has been afforded all due process rights guaranteed to a child offender;~~

~~— (2) the child is in contempt of court for violation of a court order to attend school or an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20; or~~

~~— (3) the child is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20 including truancy.~~

~~— Orders issued pursuant to this subsection must acknowledge:~~

~~— (a) that the child has been advised of all due process rights afforded to a child offender; and~~

~~— (b) that the court has received information from the appropriate state or local agency or public entity that has reviewed the facts and circumstances causing the child to be before the court. A child adjudicated delinquent for a violation of a probation order related to a misdemeanor or felony offense must not receive an indeterminate commitment sentence but may receive a determinate sentence not to exceed one hundred eighty days for a violation of a probation order related to a misdemeanor charge or three hundred sixty-five days for a violation of a probation order related to a felony charge.~~

~~(G) Prior to the issuance of a determinate commitment sentence for a violation of probation or contempt of court, the court must make a finding on the record that less restrictive alternatives have been considered and are unavailable or inappropriate or that the child has already been ordered to comply with a less restrictive alternative~~

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~~sanction. A child committed under this section may not be confined with a child who has been determined by the department to be violent.~~

(H) (1) The court, before committing a child as a delinquent, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than thirty-five days for evaluation, subject to the exceptions listed below. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition.

(2) The court shall only order an evaluation if the child is eligible for commitment pursuant to Section 63-19-1440(B). There is a presumption for a community evaluation. The court may order a residential evaluation for the child in the custody of the department only if the court finds that the child presents an unreasonable flight or public safety risk to their home community. The court shall issue individualized written findings establishing why a community evaluation with additional supervision measures arranged by the Department of Juvenile Justice would not adequately protect the public or reasonably ensure the child's presence at a dispositional hearing. The court also may commit a child to the Department of Juvenile Justice for a residential evaluation if the court finds at a contempt hearing that the child willfully failed to cooperate with or successfully complete a community evaluation ordered pursuant to this section.

(3) The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:

(a) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;

(b) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child's previous evaluation or other equivalent information is available to the court; or

(c) receives a determinate commitment sentence not to exceed ninety days. After having served at least two-thirds of the time ordered by a court, a child committed to the Department of Juvenile Justice for a determinate period pursuant to this section may be released by the department prior to the expiration of the determinate period for "good behavior" as determined by the department. The court, in its discretion, may state in the order that the child is not to be released prior to the expiration of the determinate period ordered by the court.

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(I) When a child is adjudicated delinquent or convicted of a crime or has entered a plea of guilty or nolo contendere in a court authorized to commit to the custody of the Department of Juvenile Justice, the child may be committed for an indeterminate period until the child has reached age twenty-two or until sooner released by the releasing entity or released by order of a judge of the Supreme Court or the circuit court of this State, rendered at chambers or otherwise, in a proceeding in the nature of an application for a writ of habeas corpus. A child who has not been paroled or otherwise released from the custody of the department by the child's nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. If not sooner released by the releasing entity, the child must be released by age twenty-two according to the provisions of the child's commitment; however, notwithstanding the above provision, any child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.~~Juveniles detained in any temporary holding facility or juvenile detention center or who are temporarily committed for evaluation to a Department of Juvenile Justice evaluation center for the offense for which they were subsequently committed by the family court to the custody of the Department of Juvenile Justice shall receive credit toward their parole guidelines, if indeterminately sentenced, or credit toward their date of release, if determinately sentenced, for each day they are detained in or temporarily committed to any secure pre-dispositional facility, center, or program.~~

(J) A child committed to the Department of Juvenile Justice following an adjudication for a violent offense contained in Section 16-1-60 or for the offense of assault and battery of a high and aggravated nature, who has not been paroled or released from the custody of the department by his eighteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. A child who has not been paroled or released from the custody of the department by his nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections at age nineteen. If not released sooner by the Board of Juvenile Parole, a child transferred pursuant to this subsection must be released by his twenty-second birthday according to the provisions of his commitment. Notwithstanding the above provision, a child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

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(K) A child committed under this section may not be confined with a child who has been determined by the department to be violent.

(L) Children detained in any temporary holding facility or juvenile detention center, short-term alternative placement or its equivalent, or who are temporarily committed for evaluation to a Department of Juvenile Justice evaluation center for the offense for which they were subsequently committed by the family court to the custody of the Department of Juvenile Justice shall receive credit toward their parole guidelines, if indeterminately sentenced, or credit toward their date of release, if determinately sentenced, for each day they are detained in or temporarily committed to any secure pre-dispositional facility, center, or program.

SECTION 6. Section 63-19-1810(A) of the S.C. Code is amended to read:

(A) The release and revocation of release of juveniles adjudicated delinquent and committed to the department must be determined by:

(1) the department for ~~juveniles-children~~ adjudicated delinquent and committed after March 31, 2007, for an indeterminate period for ~~a status offense or a misdemeanor, all statutorily non-violent offenses, and violations of probation related to any charges other than assault and battery of a high and aggravated nature or assault with intent to kill, and for juveniles who have violated probation for a status offense or a misdemeanor, other than assault and battery of a high and aggravated nature or assault with intent to kill; or~~

(2) the Board of Juvenile Parole for juveniles adjudicated delinquent and committed for statutorily violent ~~an offenses other than an offense provided for in item (1).~~

SECTION 7. A. Section 63-19-2050(A) of the S.C. Code is amended to read:

(A)(1) A person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a ~~status offense or a~~ nonviolent crime, as defined in Section 16-1-70, may petition the court for an order expunging all official records relating to:

- (a) being taken into custody;
- (b) the charges filed against the person;
- (c) the adjudication; and
- (d) the disposition.

(2) A person may not petition the court if the person has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult.

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B. Section 63-19-2050(C) of the S.C. Code, as last amended by Act 254 of 2018, is further amended to read:

(C)(1) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense, the court shall grant the expungement order. If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed multiple status offenses, the court may grant an expungement order for the multiple status offenses.

(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received youthful offender sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(3) The court shall not grant the expungement order unless the court finds that the person is at least eighteen years of age, has successfully completed any dispositional sentence imposed, has not been subsequently adjudicated for or convicted of any criminal offense, and does not have any criminal charges pending in family court or general sessions court. If the person was found not guilty in an adjudicatory hearing in the family court, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement. An adjudication for a violent crime, as defined in Section 16-1-60, must not be expunged.

SECTION 8. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO moved to lay the amendment on the table.

The amendment was laid on the table.

Senator MALLOY proposed the following amendment (SJ-266.MB0017S), which was not adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. This act may be referred to as the "South Carolina Juvenile Justice Reform Act".

SECTION 2. Section 63-1-20 of the S.C. Code is amended to read:

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Section 63-1-20. (A) A children's policy is hereby established for this State.

(B) This policy shall be interpreted in conjunction with all relevant laws and regulations and shall apply to all children who have need of services including, but not limited to, those mentally, socially, emotionally, physically, developmentally, culturally, educationally or economically disadvantaged or handicapped, those dependent, neglected, abused or exploited and those who by their circumstance or action violate the laws of this State and are found to be in need of treatment or rehabilitation.

(C) It shall be the policy of this State to concentrate on the prevention of children's problems as the most important strategy which can be planned and implemented on behalf of children and their families. The State shall encourage community involvement in the provision of children's services including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups and private-for-profit groups in order to encourage and provide innovative strategies for children's services. To maximize resources in providing services to children in need, all agencies providing services to children shall develop methods to coordinate their services and resources. For children with multiple needs, the furtherance of this policy requires all children's services agencies to recognize that their jurisdiction in meeting these children's needs is not mutually exclusive.

(D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care and guidance the State shall secure those services as are needed to serve the emotional, mental and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall ~~insure~~ ensure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive

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homes so that they may become members of a family by legal adoption or, absent that possibility, other permanent settings.

(E) It shall be the policy of this State that the primary goal of the juvenile justice system is to provide for any child who comes within the jurisdiction of the family court with the care and guidance as will secure his or her physical, emotional, moral, and mental well-being as well as to provide for the safety and security of the child and the community as a whole. It is the intent of the General Assembly to promote a system that will impose accountability for violations of the law, while also providing the treatment, rehabilitation, and education that will equip our children with the ability to live responsible and productive lives, preferably in the child's own home. These policies seek to guarantee due process of law in every proceeding, through which all interested parties are assured fair hearings at which legal rights are recognized and enforced. Above all, this chapter shall be liberally construed to reflect that the paramount juvenile justice policy of this state is to ensure the best interests of children who fall within the family court's jurisdiction.

To accomplish these goals, juvenile justice policies shall be designed and construed to recognize that the ultimate solutions to juvenile crime must be family-based and community-centered. The policy implementation must protect the public safety and support the strengthening of families and educational institutions. Policies must facilitate efficient and effective cooperation, coordination and collaboration among agencies of the local, state and federal government; be outcome-based, allowing for the effective and accurate assessment of program performance; and encourage public and private partnerships to address community risk factors.

The General Assembly also recognizes that placing children in state custody is associated with higher rates of repeat offenses and negative outcomes for the child. It is, therefore, the intent of the General Assembly to preserve and strengthen family relationships, countenancing the removal of a child from his or her home only when it is essential to protect the child. Whenever the court places children in state custody or requires children to participate in community-based interventions, every effort shall be made to ensure these removals or interventions are supported by researched evidence and are mindful of and influenced by research into the effects of trauma, mental health disorders, and other factors on children's development and rehabilitation.

~~(E)~~(F) The children's policy provided for in this chapter shall be implemented through the cooperative efforts of state, county, and

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municipal legislative, judicial, and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those children in greatest need.

~~(F)~~(G) In order to carry out this policy each agency, department, institution, committee, and commission which is concerned or responsible for children shall submit as a part of its annual budget request a listing of programs and services for children, the priority order of these programs and services in relation to other services, if any, that are provided by the agency, department, institution, committee, or commission, and a summary of the expenses incurred for the administration of its children's services and programs. In addition, each agency, department, institution, committee, and commission which must submit pursuant to law an annual report to the General Assembly shall include as part of the report a comprehensive statement of how its children's services and programs contributed to the implementation of this policy. Copies of all these budget requests and annual reports must be provided to the Office of the Governor by the agency, department, institution, committee, or commission.

SECTION 3. Chapter 19, Title 63 of the S.C. Code is amended by adding:

Article 6

Juvenile Offender Civil Citations

Section 63-19-700. Each circuit solicitor must establish a juvenile offender civil citation program to provide a civil alternative to criminal prosecution for eligible children who have committed acts of delinquency as set forth in this article. The Juvenile Offender Civil Citation Program shall be coordinated by a statewide civil citation coordinator within the Department of Juvenile Justice and shall include assessment and intervention services that a child voluntarily agrees to complete in lieu of formal custody and prosecution.

Section 63-19-710. A law enforcement officer having probable cause to believe that a child has committed or attempted to commit an eligible offense of delinquency may refer an eligible child to the Juvenile Offender Civil Citation Program through the issuance of a civil citation. The issuance of a civil citation shall be at the discretion of the law enforcement officer and limited to qualified child offenders. Participation in the Juvenile Offender Civil Citation Program is voluntary on the part of the child offender. Referral to the Juvenile Offender Civil Citation Program shall be made with the consent of the victim if one exists, however, ultimate discretion to admit the child

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remains with the solicitor's office. The parent or guardian of the child may refuse the child's participation at any time.

Section 63-19-720. (A) A child is eligible to participate in a civil citation program only if he is alleged to have committed an eligible offense. An allegation of the commission of an ineligible offense in addition to an eligible offense precludes participation in the program. An eligible offense includes all alleged offenses except:

- (1) any violent offense as defined by Section 16-1-60;
- (2) any offense that may be classified as an A, B, C, or D felony;

and

(3) any offense involving allegations of harassment or stalking, involving a firearm, or of failure to stop for a blue light.

(B) For the purposes of this article, an "eligible child offender" means a child who meets both of the following:

- (1) no prior adjudication of delinquency, and

(2) no prior referral to the Juvenile Offender Civil Citation Program or any other diversion program unless more than one year has elapsed since the first referral and the prior referral was for a different offense.

(C) A law enforcement officer who chooses not to refer an otherwise eligible child to a civil citation program must provide the reason or reasons for the lack of the referral on a report provided to the program administrator within ten business days from the date the child was taken into custody. The officer must provide the justifications with reasonable specificity for each instance.

Section 63-19-730. (A) A civil citation provided to the child shall include a description of the offense alleged to have been committed; contact information for the designated civil citation program; notification that the child must contact the identified civil citation program within seven business days to schedule their intake and initial assessment; and a warning that failure to contact and to participate with the identified civil citation program may result in the child's detention and the commencement of delinquency proceedings as otherwise provided in this chapter.

(B) At the time of issuance of a civil citation by the law enforcement officer, the law enforcement officer shall advise the child that the child has the option to refuse the civil citation and instead be taken into custody and be subject to the jurisdiction of the family court and prosecution as otherwise provided in this chapter. Upon issuance of a civil citation, the law enforcement officer shall submit the civil citation to the appropriate juvenile civil citation program administrator.

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(C) A child issued a civil citation shall contact the identified civil citation program office within seven business days or as otherwise directed in the civil citation and thereafter report to the identified program office to which the child is referred.

(D) Program administrators shall assess referred children using an approved risk assessment tool and may recommend the child to participate in counseling, treatment, community service, or other interventions appropriate to the needs of the child as identified by the assessment.

(E) Upon successful completion of all terms and conditions of the Juvenile Offender Civil Citation Program, the child shall be discharged without detention.

(F) If the child fails to comply with any requirements of the Juvenile Offender Civil Citation Program, including any assessments or required services, or otherwise violates any terms or conditions imposed by the program, the child shall be unsuccessfully discharged from the Juvenile Offender Civil Citation Program. The civil citation program administrator shall serve notice upon on the child to appear before the family court and shall advise the referring law enforcement officer of a child's unsuccessful termination from the program. If the child is not able to be served by the program administrators, the officer, upon receiving notice that the child to whom they have issued a civil citation has been unsuccessfully discharged from the Juvenile Offender Civil Citation Program, shall be authorized to take the child into custody or serve notice to appear before the family court and to commence delinquency proceedings as otherwise provided in this chapter.

(G) The solicitor's office and program administrators may not impose a fee for participation in the program.

(H) Participation in the Juvenile Offender Civil Citation Program shall not, with respect to a subsequent detention, serve to disqualify or otherwise preclude a child from participating in any diversion program at the discretion of the circuit solicitor.

Section 63-19-740. Final discretion regarding the eligibility of program participants remains with the program administrators who may waive requirements of victim consent or failure to contact the office within the required time periods if it is in the best interest of the child to do so.

Section 63-19-750. The Department of Juvenile Justice shall maintain a database of program participants for the purpose of identifying eligibility and overall program statistics. Specific information pertaining to each participant is confidential and not subject to disclosure under the

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Freedom of Information Act unless otherwise provided for by law. Any necessary information shall be disclosed to law enforcement, civil citation program offices, circuit solicitor's offices, or the Attorney General's office for the purposes of establishing eligibility of participants, or may be disclosed by court order. The results of the offender's participation in the program shall be disclosed to the victim of the offense if one exists. Generalized program statistics, data, and information that do not identify a specific program participant are not considered confidential under this subsection.

SECTION 4. Section 16-17-425 of the S.C. Code is amended to read:

Section 16-17-425. (A) It is unlawful for a student of a school or college in this State to make threats to ~~take the life of or to inflict bodily harm upon another~~ commit an act of mass violence at a school, college, or school- or college-sponsored activity by using any form of communication whatsoever. As used in this section, "an act of mass violence" means an act that a reasonable person would conclude could lead to serious bodily injury or death to two or more people.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both.

(C) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other criminal statute.

SECTION 5. Section 16-23-430 of the S.C. Code is amended to read:

Section 16-23-430. (A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a ~~blackjack, a metal pipe or pole,~~ firearms firearm, or any other type of weapon, device, or object ~~which may be used~~ with the intent by the person to inflict serious bodily injury or death.

(B) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property a weapon, device, or object with the intent to inflict bodily injury.

(C) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

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~~(C)~~(D) A person who violates the provisions of subsection (A) of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. A person who violates the provisions of subsection (B) of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both. Subsection (B) is a lesser-included offense of subsection (A). Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.

SECTION 6. Section 63-1-40(6) of the S.C. Code is amended to read:

(6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, or running away, ~~playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.~~

SECTION 7. Section 63-3-520 of the S.C. Code is amended to read:

Section 63-3-520. (A) The magistrate courts and municipal courts of this State have concurrent jurisdiction with the family courts for the trial of persons under ~~seventeen~~ eighteen years of age charged with traffic violations or violations of the provisions of Title 50 relating to fish, game, and watercraft when these courts would have jurisdiction of the offense charged if committed by an adult.

(B) The family court shall report to the Department of Motor Vehicles all adjudications of a ~~juvenile child~~ for moving traffic violations and other violations that affect the ~~juvenile's~~ child's privilege to operate a motor vehicle including, but not limited to, controlled substance and alcohol violations as required by other courts of this State pursuant to Section 56-1-330 and shall report to the Department of Natural Resources adjudications of the provisions of Title 50.

SECTION 8. Section 63-7-310 of the S.C. Code is amended by adding an appropriately lettered new subsection to read:

() A person required to report pursuant to subsection (A) or (B) is not required to report when employed by a lawyer who is providing representation in a criminal, delinquency, civil, or family law matter, and the basis for the suspicion arises in the course of that representation.

SECTION 9. Section 63-19-20(9) of the S.C. Code is amended to read:

(9) "Status offense" means an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents, truancy, or

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~~running away, playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.~~

SECTION 10. Chapter 19, Title 63 of the S.C. Code is amended by adding:

ARTICLE 2

Children's Bill of Rights

Section 63-19-100. A child in the care and custody of a state, county, municipal or regional institutional facility for the detention of children or for the treatment and rehabilitation of children within this State has the right:

(1) to be treated with basic human dignity and respect, without intentional infliction of humiliation;

(2) to have fair and equal access to services, placement, care, treatment, and benefits;

(3) to a program of education that meets the requirements of law and is appropriate for the developmental maturity of the child;

(4) to receive adequate, healthy, and appropriate food;

(5) to receive adequate, appropriate and accessible basic necessities, including, without limitation, shelter, clean clothing, and personal hygiene products and facilities;

(6) to have access to necessary medical and behavioral health care services including, without limitation:

(a) dental, vision, and mental health services,

(b) medical and psychological screening, assessment and testing, and

(c) referral to, and receipt of, medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified;

(7) to be free from:

(a) abuse or neglect, as defined in Section 63-7-20(6),

(b) corporal punishment, except the reasonable use of force that is necessary to preserve the order, security or safety of the child, the public, the staff of the facility or other children who are detained in the facility,

(c) discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability, or exposure to any communicable disease,

(d) the deprivation of food, sleep, exercise, education, pillows, blankets, or personal hygiene products as a form of punishment or discipline,

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(e) searches for the purpose of harassment or as a form of punishment or discipline, or

(f) restrictions from a daily shower, clean clothing, drinking water, a toilet, or reading materials relating to the education as a form of punishment or discipline;

(8) to have reasonable access and accommodations to participate in religious services of his or her choice when reasonably available on the premises of the facility or to refuse to participate in religious services;

(9) to communicate with other persons, including, without limitation, the right:

(a) to have regular contact through visits, telephone calls and mail with:

(i) parents,

(ii) guardians,

(iii) siblings,

(iv) biological or adoptive children,

(v) attorneys, and

(vi) other adults with whom the child has established a familial or mentoring relationship including, without limitation, clergy, caseworkers, teachers, mentors and other persons, upon approval of the facility;

(b) to communicate confidentially with:

(i) any agency which provides child welfare services to the child concerning his or her care,

(ii) attorneys, legal services organizations, and their employees or staff,

(iii) ombudspersons and other advocates,

(iv) members of the clergy, and

(v) holders of public office, and people who work at a state or federal court;

Except as otherwise provided by specific statute, a communication made pursuant to this subsection is not a privileged communication.

(c) to report any alleged violation of his or her rights pursuant to Section 63-19-130 without being threatened or punished; and

(10) to receive information concerning his or her rights set forth in this title.

Section 63-19-110. A detention facility shall:

(1) inform the child of his or her rights as set forth in Section 63-19-100;

(2) provide the child with a written copy of those rights;

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(3) provide an additional written copy of those rights to the child upon request;

(4) to the extent that it is practicable, provide a written copy of those rights to the parent or guardian of the child; and

(5) post a written copy of the rights set forth in Section 63-19-100 in a conspicuous place inside the facility.

Section 63-19-120. An institutional facility may impose reasonable restrictions on the time, place, and manner in which a child may exercise his or her rights set forth in Section 63-19-100 if such restrictions are necessary to preserve the order, security or safety of the child, the public, the staff of the facility, or other children who are held in the facility.

Section 63-19-130. If a child believes that any of his or her rights set forth in Section 63-19-100 have been violated, the child may raise and redress a grievance through, without limitation:

(A) a member of the staff of the facility,

(B) a probation officer or parole officer,

(C) an agency which provides child welfare services to the child, and any employee thereof,

(D) a juvenile court with jurisdiction over the child,

(E) a guardian ad litem for the child,

(F) an attorney for the child, or

(G) the Department of Children's Advocacy.

SECTION 11. Article 1, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-210. (A) Prior to any custodial interrogation by law enforcement of any child fifteen years of age or younger, the law enforcement officer or official must arrange for the child to consult with legal counsel either in person, by telephone, or by video conference. The consultation must be made before any request for the child to waive his Miranda rights. The consultation may not be waived.

(B) The court shall, in adjudicating the admissibility of any statements of a child fifteen years of age or younger made during or after a custodial interrogation, consider the effect of the failure to comply with subdivision (A).

(C) This section does not apply if both of the following criteria are met:

(1) the officer who questions the child reasonably believes the information sought is necessary to protect life or property from an imminent threat, and

(2) the officer's questions are limited to those questions that are reasonably necessary to obtain that information.

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(D) This section does not apply to a probation officer in the normal performance of his duties.

SECTION 12. Section 63-19-340 of the S.C. Code is amended to read:

Section 63-19-340. An annual report of the department must be prepared by the director which shall include an account of all funds received and expended, persons served by the department including a report of the state and condition of the correctional institutions, and community programs operated by the department. The annual report must include:

(1) the total number of

(a) offenses referred to the department;

(b) the top ten most frequent offenses referred to the department;

(c) status offenses referred to the department;

(d) probation violation or contempt of court charges referred to the department following one or more adjudications for a status offense;

(e) misdemeanor referrals;

(f) probation violation or contempt of court charges referred to the department following an adjudication for one or more misdemeanors;

(g) non-violent felony referrals;

(h) probation violation or contempt of court charges referred to the department following an adjudication for one or more non-violent felonies;

(i) violent offenses as defined in Section 16-1-60; and

(j) probation violation or contempt of court charges referred to the department following an adjudication for one or more violent offenses as defined in Section 16-1-60; and

(2) the number of cases in each category listed in subitems (1)(c) through (1)(j) associated with the following outcomes:

(a) cases which are dismissed or diverted;

(b) cases in which a child is detained pre-trial, separately counting children detained in the department's custody and children detained in a facility operated by another state or local government entity;

(c) adjudications after which a child is placed on probation;

(d) adjudications after which a child is ordered to undergo a community evaluation;

(e) adjudications after which a child is committed to the department's custody for a residential evaluation;

(f) adjudications after which a child is committed to the department for a determinate sentence;

(g) adjudications after which the department places a child in an alternative placement; and

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(h) adjudications after which the child is committed to the department for an indeterminate period of time;

(3) the department must also provide the totals of each category specified in subsections (1) and (2) broken down by the sex and race of the child; and

(4) the number of individual children placed in corrective room restriction while in the department's custody, the number of corrective room restrictions imposed (including multiple restrictions placed on an individual child), the average and median length of time children were placed in corrective room restriction, and the number of corrective room restrictions which lasted for seventy-two consecutive hours or more.

SECTION 13. Section 63-19-350 of the S.C. Code is amended by adding an appropriately numbered new subsection to read:

() developing and utilizing structured decision-making tools at all key points in the juvenile justice process, to include detention, diversion, disposition, and release from commitment.

SECTION 14. Section 63-19-360(3) of the S.C. Code is amended to read:

(3) establishing and maintaining residential and nonresidential reception and evaluation centers at which all children committed to its custody by a circuit or family court must be received, examined, and evaluated before assignment to one of its institutions or before other disposition or recommendation is made concerning the child. The commitment of a child to a reception and evaluation center or youth ~~correctional~~ rehabilitative institution of the department may be made only after the child has been adjudicated delinquent. The evaluation conducted by the reception and evaluation centers includes, but is not limited to:

(a) a ~~complete~~ comprehensive, individualized biopsychosocial assessment to include an examination of the child's social, physical, psychological, and mental health functioning examination;

(b) an investigation and consideration of family and community environment and other facts in the background of the person concerned that might relate to the person's delinquency;

(c) a determination of the ~~correctional~~ rehabilitative or custodial care that would be most appropriate. The department shall create facilities and employ personnel ~~as will that~~ that enable the centers to conduct the necessary ~~physical, mental, and psychological~~ physical, mental, and psychological examinations and assessments required by this section;

SECTION 15. Article 3, Chapter 19, Title 63 of the S.C. Code is amended by adding:

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Section 63-19-362. When a delinquency petition alleging that a child has committed an offense which would be a misdemeanor that would carry a maximum term of imprisonment of less than five years if committed by an adult and the offense occurred while the child was in the custody of the Department, then the petition must include information that shows the Department has sought to resolve the expressed problem through available administrative approaches, the child has not responded to such approaches and continues to engage in delinquent behavior, and court intervention is needed.

SECTION 16. Article 3, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-365. (A) As used in this section,

(1) "solitary confinement" means physical and social isolation in a room or cell for twenty-two hours per day or more.

(2) "corrective room restriction" means the confinement of a child to a room as a protective action and includes, without limitation:

- (a) administrative seclusion;
- (b) behavioral room confinement;
- (c) corrective room rest; and
- (d) room confinement.

(B) No child shall at any time be held in solitary confinement.

(C) A child who is held in a state, county, municipal or regional institutional facility for the detention of children or for the treatment and rehabilitation of children may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of ensuring the safety of the child, staff or others or ensuring the security of the facility.

(D) A child must only be subjected to corrective room restriction for the minimum time required to address the unsafe behavior and the child must be returned to the general population of the facility as soon as reasonably possible.

(E) Any action that results in corrective room restriction for more than two hours must be documented in writing and approved by a supervisor.

(F) The facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every ten minutes while the child is subjected to corrective room restriction.

(G) A child who is subjected to corrective room restriction for more than twenty-four hours must be provided:

(1) not less than one hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

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(2) access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility;

(3) any other interaction or services necessary to prevent a violation of Subsection (B); and

(4) a review of the corrective room restriction status at least once every twenty-four hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

(H) The facility shall not subject a child to corrective room restriction for more than seventy-two consecutive hours.

(I) Each county, municipal, regional, or state institutional facility for the detention of children or for the treatment and rehabilitation of children shall report monthly to the Department of Children's Advocacy the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for seventy-two consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

SECTION 17. Section 63-19-370 of the S.C. Code is amended to read:

Section 63-19-370. The department may enter into agreements with the governing bodies of other state departments or institutions for the purpose of effecting a more efficient and economical management of any institution or program under its supervision. The department is authorized to make contracts and expend public funds as required to carry out the functions prescribed for it in this chapter within the limits of appropriated funds.

The department may establish agreements with the Department of Education, the Department of Mental Health, individual school districts, and other state and local departments specific to reentry services for children returning to schools and communities after being in the department's custody including, but not limited to, mental health counseling, mentoring programs, and educational support services. Programs, resources, and services provided under such agreements shall be accessible to students if they are needed while under supervision by the department and for a reasonable time after supervision has concluded.

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All revenues generated from United States Department of Agriculture grants, the Education Finance Act, the Detention Center, and Medicaid federal funding may be retained, carried forward, and expended by the Department of Juvenile Justice, in accordance with applicable regulations, for the costs associated with related programs.

SECTION 18. Article 3, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-500.(A) At least one pre-detention intervention program shall be established in each judicial circuit in the state to provide services to children in all counties in that circuit for the purpose of offering an alternative to referral to the juvenile justice system for children who commit first-time, non-violent as defined in Section 16-1-70, delinquent acts. Each program shall be available to serve all eligible children in each county in that circuit, and no child shall be required to pay program fees. These programs must divert eligible children from initial contact with the juvenile justice system using approaches that are evidence-based, culturally relevant, trauma-informed, developmentally appropriate, and that promote long-term success for children.

(B) The department shall develop a plan for the establishment, implementation, and oversight of pre-detention diversion programs around the state to which all first-time, non-violent offenders must be referred. The department shall provide competitively awarded funding to at least one such program in each judicial circuit to supplement other funding received by the program. Programs receiving funding from the department must adhere to the standards and procedures for such programs developed by the department, which must include requirements for applicants, organizational characteristics, reporting and auditing criteria, and such other standards for eligibility and accountability, and funding shall be based on the number of children served and such other requirements as may be established by the department. Pre-detention diversion programs may incorporate some or all of the following: educational services, including academic and vocational services; mentoring services; mental health services; and behavioral health services.

(C) A law enforcement officer who takes a child into custody for a non-violent offense as defined in Section 16-1-70 shall utilize a database system provided by the department to review the child's criminal history with the juvenile justice system. If the child has no prior referral to the department, the law enforcement officer must refer the child to the local pre-detention diversion program for that circuit utilizing a referral form

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provided by the department, and must provide a copy of the referral form to the child's parent or guardian, the department, and the entity designated to run the pre-detention diversion program.

(D) If a referral to the juvenile justice system is received for a first-time non-violent offender, the referral shall not be accepted and shall be returned to the referral source with instructions to refer the child to the entity designated to run the pre-detention diversion program in that respective circuit.

(E) All records of a child's referral to and participation in a pre-detention diversion program must be kept separate from records of children referred to the juvenile justice system. A referral to a pre-detention diversion program is not a referral to the juvenile justice system, and accordingly, must not be reflected on a child's criminal history.

(F) Each pre-detention diversion program shall submit data to the department on at least an annual basis which identifies for each child participating in the diversion program:

- (1) the race, ethnicity, gender, and age of that child;
- (2) the alleged offense committed, including the statute number of the offense;
- (3) the county in which the offense was committed and the law enforcement agency that had contact with the child for the offense; and
- (4) other information as specified by the department.

SECTION 19. Article 3, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-520. (A) There is hereby established in the department's budget the Juvenile Justice Improvement Fund. All expenditures from the Juvenile Justice Improvement Fund shall be for the development, implementation, or monitoring of community based diversion or intervention programs, practices, and services for children and their families that reduce youth risk factors and/or rates of recidivism. The department shall at least annually transfer into the Juvenile Justice Improvement Fund available state general recurring funds identified as savings as a result of decreased reliance on out of home placement of youth.

(B) The department shall create a plan to incentivize the development of a continuum of evidence-based community intervention programs and services for children under supervision of the department. These programs and services shall serve to divert children from further involvement with the juvenile justice system. Intervention programs may incorporate some or all of the following: educational services, including

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academic and vocational services; mentoring services; mental health services; and behavioral health services. Funding prioritization shall be given to community-based intervention programs that provide services to counties that demonstrate a high rate of out of home placement of children and that have few existing community based alternatives.

(C) The department may contract with a service coordination agency or agencies to assist the department with building a continuum of community-based services for children and families across the state. Among other services, a service coordination agency may provide referral processing, billing, reporting, monitoring of the quality of direct service providers, monitoring of evidence-based programs for fidelity, completion of on-going service gaps analyses, filling of service gaps, assessment of existing treatment capacity, development of new treatment capacity, and selection of and subcontracting with direct service providers.

SECTION 20. Section 63-19-810 of the S.C. Code is amended to read:

Section 63-19-810. (A) When a child found violating a criminal law or ordinance is taken into custody, the taking into custody is not an arrest. The jurisdiction of the court attaches from the time of the taking into custody. When a child is taken into custody, the officer taking the child into custody shall notify the parent, guardian, or custodian of the child as soon as possible. Unless otherwise ordered by the court, the person taking the child into custody may release the child to a parent, a responsible adult, a responsible agent of a court-approved foster home, group home, nonsecure facility, or program upon the written promise, signed by the person, to bring the child to the court at a stated time or at a time the court may direct. The written promise, accompanied by a written report by the officer, must be submitted to the South Carolina Department of Juvenile Justice as soon as possible, but not later than twenty-four hours after the child is taken into custody. If the person fails to produce the child as agreed, or upon notice from the court, a summons or a warrant may be issued for the apprehension of the person or of the child.

(B) When a child is not released pursuant to subsection (A), the officer taking the child into custody shall immediately notify the authorized representative of the Department of Juvenile Justice, who shall respond within one hour by telephone or to the location where the child is being detained. Upon responding, the authorized representative of the department shall review the facts in the officer's report or petition and any other relevant facts and advise the officer if, in his opinion, there is a need for detention of the child. The officer's written report must be

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furnished to the authorized representatives of the department and must state:

(1) the facts of the offense;

(2) the reason why the child was not released to the parent. Unless the child is to be detained, the child must be released by the officer to the custody of his parents or other responsible adult upon their written promise to bring the child to the court at a stated time or at a time the court may direct. However, if the offense for which the child was taken into custody is a violent crime as defined in Section 16-1-60, the child may be released only by the officer who took the child into custody. If the officer does not consent to the release of the child, the parents or other responsible adult may apply to any judge of the family court within the circuit for an ex parte order of release of the child. The officer's written report must be furnished to the family court judge. The family court judge may establish conditions for such release.

~~(C) When a child is charged by a law enforcement officer for an offense which would be a misdemeanor or felony if committed by an adult, not including a traffic or wildlife violation over which courts other than the family court have concurrent jurisdiction as provided in Section 63-3-520, the law enforcement officer also shall notify the principal of the school in which the child is enrolled, if any, of the nature of the offense. This information may be used by the principal for monitoring and supervisory purposes but otherwise must be kept confidential by the principal in the same manner required by Section 63-19-2220(E).~~

~~(D) Juveniles~~ A child may be held in nonsecure custody within the law enforcement center for only the time necessary for purposes of identification, investigation, detention, intake screening, awaiting release to parents or other responsible adult, or awaiting transfer to a juvenile detention facility or to the court for a detention hearing. A child seventeen years of age or older who has not been released to a parent, guardian, or responsible adult, must have a hearing before a magistrate or municipal court judge pursuant to Chapter 15, Title 17 as soon as practicable but not later than twenty-four hours from the time of being taken into custody. The judge shall order his release pending trial in the appropriate magistrate or family court, on his own recognizance without surety unless the court determines in its discretion that such a release does not reasonably assure the appearance of the child as required, or there is an unreasonable danger to the community or an individual. If the child is not released without surety, the court must place his findings regarding his risk of danger or failure to appear in writing as part of the record. The judge as a condition of release shall require the child to

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appear before the family court at the next available date. Any conditions of release by the magistrate are not binding upon the family court who may review the conditions of bond de novo, and order detention, placement, or release of the child pursuant to Section 63-19-830.

SECTION 21. Section 63-19-820 of the S.C. Code is amended to read:

Section 63-19-820. (A) When the officer who took the child into custody determines that placement of a juvenile child outside the home is necessary, the authorized representative of the Department of Juvenile Justice shall make a diligent effort to place the child in an approved home, program, or facility, other than a secure juvenile detention facility, when these alternatives are appropriate and available.

(B) Pre-trial detention is authorized only when that is the least restrictive appropriate option available to prevent an unreasonable flight or public safety risk, taking into account the overall rehabilitative purposes of the juvenile justice system and the likely harm to children and to public safety from unnecessary detention, and the child's presumption of innocence. If a child is eligible for detention, authorities should consider what alternatives to detention, if any, would mitigate any flight or public safety risk. A child is eligible for detention in a secure juvenile detention facility only if the child:

(1) is charged with a violent crime as defined in Section 16-1-60;

(2) is charged with a crime which, if committed by an adult, would be a felony or would carry a maximum term of imprisonment of five years or more; a misdemeanor other than a violent crime, and the child:

~~(a) is already detained or on probation or conditional release or is awaiting adjudication in connection with another delinquency proceeding;~~

~~(b) has a demonstrable recent record of wilful failures to appear at court proceedings;~~

~~(c) has a demonstrable recent record of violent conduct resulting in physical injury to others; or~~

~~(d) has a demonstrable recent record of adjudications for other felonies or misdemeanors; and~~

~~(i) there is reason to believe the child is a flight risk or poses a threat of serious harm to others; or~~

~~(ii) the instant offense involved the use of a firearm;~~

(3) is a fugitive from another jurisdiction;

(4) ~~requests protection in writing under circumstances that present an immediate threat of serious physical injury;~~

~~(5) had in his possession a deadly weapon;~~

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~~(6)(5)~~ has a demonstrable recent record of wilful failure to comply with prior placement orders including, but not limited to, a house arrest order is court ordered to be detained;

~~(7)(6)~~ has exhausted suitable community-based alternative programs or placements, ~~no suitable alternative placement~~ and it is determined that detention is ~~in the child's best interest or is necessary to~~ protect the child or public, or both; or

~~(8)~~ is charged with an assault and battery or an assault and battery of a high and aggravated nature on school grounds or at a school sponsored event against any person affiliated with the school in an official capacity.

(7) is charged with unlawful student threats pursuant to Section 16-17-425 or failure to stop for a blue light pursuant to Section 56-5-750.

~~A~~ Only a child who meets the criteria provided in this subsection is eligible for detention. Detention is not mandatory for a child meeting the criteria if that child can be supervised adequately at home or in a less secure setting or program. The use of secure detention shall be limited to a child who poses a current risk to public safety or is a current flight risk. If the officer does not consent to the release of the child, the parents or other responsible adult may apply to the family court within the circuit for an ex parte order of release of the child. The officer's written report must be furnished to the family court judge who may establish conditions for the release.

(C) A child must not be detained in secure confinement if the child could not be committed to the custody of the Department of Juvenile Justice pursuant to Section 63-19-1450. The family court shall consider any past mental health, disability services, special education or similar records provided by any of the parties to determine if that section applies. A child considered not competent to stand trial by a competency evaluator is presumed to be ineligible for detention in secure confinement.

~~(D) No~~ A child ~~may~~ must not be placed in secure confinement or ordered detained by the court in secure confinement in an adult jail or other place of detention for adults for more than six hours. ~~However, the prohibition against the secure confinement of juveniles in adult jails does not apply to juveniles who have been waived to the court of general sessions for the purpose of standing trial as an adult. Juveniles~~ A child placed in secure confinement in an adult jail during this six-hour period must be confined in an area of the jail which is separated by sight and sound from adults similarly confined.

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~~(D)~~(E) Temporary holdover facilities may hold ~~juveniles~~ children during the period between initial custody and the initial detention hearing before a family court judge for a period up to forty-eight hours, excluding weekends and state holidays.

~~(E)~~(F) A child who is taken into custody because of a violation of law which would not be a criminal offense under the laws of this State if committed by an adult or because of a violation of a court order related to a status offense must not be placed or ordered detained in an adult or a juvenile detention facility. ~~A child who is taken into custody because of a violation of the law which would not be a criminal offense under the laws of this State if committed by an adult must not be placed or ordered detained more than twenty-four hours in a juvenile detention facility, unless~~ If an order previously has been issued by the court, of which the child has notice and which notifies the child that further violation of the court's order may result in the out-of-home placement ~~secure detention~~ of that child ~~in a juvenile detention facility~~. ~~If a juvenile is ordered detained for violating a valid court order, the juvenile child may not be held in secure confinement in a juvenile detention facility, but may be held in a group home, residential treatment facility, therapeutic foster care, crisis shelter, or other alternative nonsecure placement provided by the Department of Juvenile Justice, when leaving the child outside of state custody will not reasonably protect the child or the public. for not more than seventy-two hours, excluding weekends and holidays.~~ However, nothing in this section precludes a law enforcement officer from taking a status offender into custody.

~~(F)~~(G) Children ten years of age and younger must not be incarcerated in a jail or detention facility for any reason. Children eleven or twelve years of age who are taken into custody for a violation of law which would be a criminal offense under the laws of this State if committed by an adult or who violates conditions of probation for such an offense ~~must~~ may be incarcerated in a ~~jail or~~ juvenile detention facility only by order of the family court.

~~(G)~~(H) For purposes of this section, “adult jail” or other place of detention for adults includes a state, county, or municipal police station, law enforcement lockup, or holding cell. “Secure confinement” means an area having bars or other restraints designed to hold one person or a group of persons at a law enforcement location for any period of time and for any reason. Secure confinement in an adult jail or other place of detention does not include a room or a multipurpose area within the law enforcement center which is not secured by locks or other security devices. Rooms or areas of this type include lobbies, offices, and

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interrogation rooms. Juveniles Children held in these areas are considered to be in nonsecure custody as long as the room or area is not designed for or intended for use as a residential area, the juvenile child is not handcuffed to a stationary object while in the room or area, and the juvenile child is under continuous visual supervision by facility staff while in this room or area which is located within the law enforcement center. Secure confinement also does not include a room or area used by law enforcement for processing “booking” purposes, irrespective of whether it is determined to be secure or nonsecure, as long as the juvenile's child's confinement in the area is limited to the time necessary to fingerprint, photograph, or otherwise “book” the juvenile child in accordance with state law.

SECTION 22. Section 63-19-830(A) of the S.C. Code is amended to read:

(A) If the officer who took the child into custody has not released the child to the custody of the child's parents or other responsible adult, the court shall hold a detention hearing within forty-eight hours from the time the child was taken into custody, excluding Saturdays, Sundays, and holidays. At this hearing, the authorized representative of the department shall submit to the court a report stating the facts surrounding the case and a recommendation as to the child's continued detention pending the adjudicatory and dispositional hearings. The court shall appoint counsel for the child if none is retained. No child may proceed without counsel in this hearing, unless the child waives the right to counsel and then only after consulting at least once with an attorney. At the conclusion of this hearing, the court shall determine whether probable cause exists to justify the detention of the child and the appropriateness of, and need for, the child's continued detention. If continued detention of a juvenile child is considered appropriate by the court and if a juvenile detention facility exists in that county which meets state and federal requirements for the secure detention of juveniles children or if that facility exists in another county with which the committing county has a contract for the secure detention of its juveniles children and if commitment of a juvenile child by the court to that facility does not cause the facility to exceed its design and operational capacity, the family court shall order the detention of the juvenile child in that facility. The family court may also order that the child be detained or remain detained in an approved home, program, or facility, other than a secure juvenile detention facility. A juvenile child must not be detained in secure confinement or in an approved home, program, or facility, other than a secure juvenile detention facility in excess of ninety days except in exceptional circumstances as determined

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by the court. A detained juvenile child is entitled to further and periodic review:

(1) within ten days following the juvenile's child's initial detention hearing;

(2) within thirty days following the ten-day hearing; and

(3) at any other time for good cause shown upon motion of the child, the State, or the department.

If the child does not qualify for detention or otherwise require continued detention under the terms of Section 63-19-820(A) or (B), the child must be released to a parent, guardian, or other responsible person.

SECTION 23. Section 63-19-1010 of the S.C. Code is amended to read:

Section 63-19-1010. (A) The Department of Juvenile Justice shall provide intake and probation services for juveniles children brought before the family courts of this State and for persons committed or referred to the department in cooperation with all local officials or agencies concerned. The role and function of intake is to independently assess the circumstances and needs of children referred for possible prosecution in the family court. Recommendations by the department as to intake must be reviewed by the office of the solicitor in the circuit concerned, and the final determination as to whether or not the juvenile child is to be prosecuted in the family court must be made by the solicitor or by the solicitor's authorized assistant, consistent with subsection (C). Statements of the juvenile child contained in the department's files must not be furnished to the solicitor's office as part of the intake review procedure, and the solicitor's office must not be privy to these statements in connection with its intake review.

(B) Where circumstances do not warrant prosecution in the discretion of the solicitor, the intake counselor shall offer referral assistance for services as appropriate for the child and family. In the event that a juvenile child is adjudicated to be delinquent or found by the family court to be in violation of the terms of probation, the intake counselor shall offer appropriate dispositional recommendations to the family court for its consideration and determination of the disposition of the case.

(C)(1) A child brought before the family court or referred to the department for a status offense or an offense which would be a crime if committed by an adult shall be referred to a diversion program and not for prosecution if the following criteria are met:

(a) the child has no prior adjudications;

(b) the child has not been referred to a diversion program within the last twelve months; and

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(c) the child is not referred for a violent offense as defined in Section 16-1-60.

(2) If the solicitor or solicitor's authorized assistant has good cause to believe that diversion is insufficient to meet the purposes of this chapter, the solicitor or solicitor's authorized assistant may prosecute the child in family court. The petition shall include notice of the departure from the presumption of diversion and reasons for that departure. Upon motion of the child and upon a finding that no good cause exists, the family court may refer the child for diversion.

SECTION 24. Section 63-19-1020 of the S.C. Code is amended to read:

Section 63-19-1020. (A) The parent, guardian, or custodian of a child, an official of a child welfare board, a public official charged by law with the care of the poor, the recognized agents of an agency, association, society, or institution, a person having knowledge or information of a nature which convinces the person that a child is delinquent or that a child, by reason of his own acts in accordance with this chapter, is subject to the jurisdiction of the court, any person who has suffered injury through the delinquency of a child, or an officer having an arrested child in charge, may institute a proceeding respecting the child.

(B) Before the department may accept a referral for the status offenses of incorrigibility or runaway, or before a petition for the offenses of incorrigibility or runaway may be filed, the person or entity seeking to institute the proceeding first shall provide documentation indicating that the parent, guardian, or custodian and the child have made reasonable efforts to resolve the challenges confronting the family through participation in family counseling, pastoral counseling, parenting improvement classes, or other family therapy services. If no prior assistance has been sought, the department shall refer the parent, guardian, or custodian to service providers in the family's community or provide services itself to assist the family.

(C) The department may accept a referral for a school related offense and a petition may be filed for a school related offense if the child is: (1) charged with a felony offense, or (2) charged with a misdemeanor offense and the referring entity attaches documentation to the referral demonstrating that the child has three or more prior discipline referrals for related conduct within the prior six months for which the child received a school based consequence and/or appropriate community referral for services. Discipline referrals for being tardy to class, voluntarily missing class, violating school policy regarding school

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identification, violating school dress code policy, refusing to obey instruction of school personnel, using profanity, using or possessing tobacco products or paraphernalia, and other minor student misconduct shall not count as prior discipline referrals for purposes of this section. The department shall not accept a referral for and a petition shall not be filed for a school based misdemeanor offense unless documentation is provided by the referring entity that meets this criteria and further demonstrates that prior consequences, interventions, or community referrals instituted by the school have been attempted and proven unsuccessful. Any referral for a school-based offense must include a copy of the child's school disciplinary history for at least the current school year, including documentation of consequences instituted by the school for the alleged conduct being referred. Before filing of a petition for a school-based offense, consideration must be given to the school-based discipline or other consequences the child received for the alleged conduct subject to the petition.

(D) In addition to the requirements of subsection (C), any school or school district in such a case must provide to the solicitor information regarding:

(1) whether the child accused of an offense is a child with a disability pursuant to 20 U.S.C. section 1400 et seq., as and if amended, and Chapter 33, Title 59 of the South Carolina Code of Laws;

(2) if the child is a child with a disability, whether a manifestation review determination pursuant to 20 U.S.C. section 1415(k)(1)(E), as and if amended, occurred and, if so, whether the child's conduct was determined to be a manifestation of the child's disability;

(3) if the child's conduct was determined to be a manifestation of the child's disability, whether the school district followed the process set forth in 20 U.S.C. section 1415(k)(1)(F), as and if amended; and

(4) any efforts by the school or school district to review the appropriateness of the child's current individualized education program (IEP), behavior intervention plan, compliance with Section 504 of the Federal Rehabilitation Act of 1973, as amended, and placement, and any modifications where appropriate.

SECTION 25. Sections 63-19-1030(C) and (D) of the S.C. Code are amended to read:

(C) Before the hearing of a case of a child, the judge ~~shall~~ may cause an investigation of all the facts pertaining to the issue to be made. The investigation, if ordered, shall consist of an examination of the parentage and surroundings of the child, the child's age, habits and history, and also shall include inquiry into the home conditions, habits and character of

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the child's parents or guardian, if that is necessary in the discretion of the court. In these cases the court, if advisable, shall cause the child to be examined as to the child's ~~mentality~~ mental health by a competent and experienced psychologist or psychiatrist who shall make a report of the findings. Before the hearing in the case of a child, if the child attends school, a report on the child must be obtained from the school which the child attends. The school officials shall furnish the report upon the request of the court or its probation counselor. The court, when it is considered necessary, shall cause a complete physical examination to be made of the child by a competent physician.

(D) In a any case where the delinquency proceedings may result in commitment to an institution in which the child's freedom is curtailed upon service of a petition under this chapter, the child or the child's parents or guardian must be given written notice with particularity of the specific charge or factual allegations to be considered at the hearing. The notice must be given as soon as practicable and sufficiently in advance to permit preparation. The child or the child's parent or guardian also must be advised in the notice of their right to be represented by counsel and that, if they are unable to employ counsel, counsel will be appointed to represent them. In the hearing, the parent or guardian and child also must be expressly informed of their right to counsel and must be specifically required to consider whether they do or do not waive the right of counsel.

SECTION 26. Article 9, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-1050. Notwithstanding any other provision of law, no child respondent in a case filed under this chapter may be charged a fee to participate in any diversion or intervention program nor shall any child respondent be required to pay more than five hundred dollars in restitution as a requirement of any diversion or intervention program. An otherwise eligible child must not be denied admission into a diversion or intervention program for owing a restitution amount greater than five hundred dollars.

SECTION 27. Article 9, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-1070. (A) Except where the petition alleges that the respondent has committed a violent offense, the court may at any time prior to an adjudication of the petition under Section 63-19-1410 and with the consent of the respondent order that the proceeding be adjourned in contemplation of dismissal. An adjournment in contemplation of dismissal is an adjournment of the proceeding, for a period not to exceed

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six months, with a view to ultimate dismissal of the petition in furtherance of justice. The court may provide such terms and conditions for such an order as the court finds appropriate, consistent with subsection (D).

(B) An order adjourning a petition in contemplation of dismissal may be issued upon motion of any party, or on the court's own motion. Upon issuing such an order, the court must set forth its reasons on the record.

(C) Upon motion of any party, or upon the court's own motion, the court may restore the matter to the calendar at any time during the pendency of the order. If the proceeding is not restored, the petition is, at the expiration of the order, deemed to have been dismissed by the court in furtherance of justice.

(D) Permissible terms and conditions of an adjournment in contemplation of dismissal order may include supervision by the Department of Juvenile Justice; a requirement that the respondent cooperate with a mental health, social services or other appropriate community facility or agency to which the respondent may be referred based on evidence available to the court or the Department of Juvenile Justice; payment of restitution orders determined by agreement of the parties or consistent with the procedures of Section 63-19-1410(A)(3) not to exceed five hundred dollars, or other conditions agreed to by the parties; and a requirement that the respondent comply with other reasonable conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct that gave rise to the filing of the petition or to prevent commitment to the Department of Juvenile Justice.

SECTION 28. Section 63-19-1210 of the S.C. Code is amended to read:

Section 63-19-1210. In accordance with the jurisdiction granted to the family court pursuant to Sections 63-3-510, 63-3-520, and 63-3-530, jurisdiction over a case involving a child must be transferred or retained as follows:

(1) If, during the pendency of a criminal or quasi-criminal charge against a child in a circuit court of this State, it is ascertained that the child was under the age of eighteen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all the papers, documents, and testimony connected with it, to the family court of competent jurisdiction, except in those cases where the Constitution gives to the circuit court exclusive jurisdiction or in those cases where jurisdiction has properly been transferred to the circuit court by the family court under the provisions of this section. The court making the transfer shall order the child to be

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taken immediately to the place of detention designated by the court or to that court itself, or shall release the child to the custody of some suitable person to be brought before the court at a time designated. The court then shall proceed as provided in this chapter. The provisions of this section are applicable to all existing offenses and to offenses created in the future unless the General Assembly specifically directs otherwise.

(2) Whenever a child is brought before a magistrate or city recorder and, in the opinion of the magistrate or city recorder, the child should be brought to the family court of competent jurisdiction under the provisions of this section, the magistrate or city recorder shall transfer the case to the family court and direct that the child involved be taken there.

(3) When an action is brought in a circuit court which, in the opinion of the judge, falls within the jurisdiction of the family court, he may transfer the action upon his own motion or the motion of any party.

(4) If a child seventeen years of age or older at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, would be a misdemeanor, a Class E or F felony as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of ten years or less, and if the court, after full investigation, considers it contrary to the best interest of the child or of the public to retain jurisdiction, the court, in its discretion, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult.

(5) If a child ~~fourteen, fifteen, or who was~~ sixteen years of age at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, would be a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more, the court, after full investigation and hearing, may determine it contrary to the best interest of the child or of the public to retain jurisdiction. The court, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(6) Within thirty days after the filing of a petition in the family court alleging ~~the~~ a child fifteen or sixteen years of age has committed the offense of murder or criminal sexual conduct, the person executing the petition may request in writing that the case be transferred to the court of general sessions with a view to proceeding against the child as a criminal rather than as a child coming within the purview of this chapter.

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The judge of the family court is authorized to determine this request. If the request is denied, the petitioner may appeal within five days to the circuit court. Upon the hearing of the appeal, the judge of the circuit court is vested with the discretion of exercising and asserting the jurisdiction of the court of general sessions or of relinquishing jurisdiction to the family court. If the circuit judge elects to exercise the jurisdiction of the general sessions court for trial of the case, he shall issue an order to that effect, and then the family court has no further jurisdiction in the matter. Notwithstanding any other provision of law, for any child who has been charged with murder who was seventeen years of age or younger at the time of the alleged commission of the offense whose case is within or has been transferred to the jurisdiction of the general sessions court, the court may upon conviction sentence the child to a term of imprisonment less than the mandatory minimum sentence established under Section 16-3-20(A).

(7) Once the family court relinquishes its jurisdiction over the child and the child is bound over to be treated as an adult, Section 63-19-2020 dealing with the confidentiality of identity and fingerprints does not apply.

(8) When jurisdiction is relinquished by the family court in favor of another court, the court shall have full authority and power to grant bail, hold a preliminary hearing and any other powers as now provided by law for magistrates in such cases.

(9) If a child ~~fourteen~~ sixteen years of age or older is charged with a violation of Section 16-~~23-430~~, Section 16-23-20, or Section 44-53-445, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(10) If a child ~~fourteen~~ sixteen years of age or older at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, provides for a term of imprisonment of ten years or more and the child previously has been adjudicated delinquent in family court or convicted in circuit court for two prior offenses which, if committed by an adult, provide for a term of imprisonment of ten years or more, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult. For the purpose of this item, an

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adjudication or conviction is considered a second adjudication or conviction only if the date of the commission of the second offense occurred subsequent to the imposition of the sentence for the first offense.

(11) The determination of the family court regarding whether the child is to be transferred or bound over to the court of general sessions is a final order, appealable to the Supreme Court. Both the petitioner and the child have a right of appeal. An appeal must be taken under the appellate rules governing criminal appeals. The appeal pursuant to this subsection must be heard and a determination must be made within one hundred twenty days from the filing of the appeal, absent exceptional circumstances justifying a longer time period. The South Carolina Supreme Court may create rules governing the procedures for the appeal within its rulemaking authority pursuant to Article V of the Constitution of South Carolina.

SECTION 29. Section 63-19-1410 of the S.C. Code, as last amended by Act No. 268 of 2016, is amended to read:

Section 63-19-1410. (A) When a child is found by decree of the court to be subject to this chapter, the court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child. Following the decree, the court shall enter the least restrictive appropriate disposition order from the following options in view of the seriousness of the delinquent act, such child's culpability as indicated by the circumstances of the particular case, the age of such child, such child's prior record, and such child's strengths and needs and by order may:

(1) cause a child concerning whom a petition has been filed to be examined or treated by a physician, psychiatrist, or psychologist and for that purpose place the child in a hospital or other suitable facility;

(2) order care and treatment as it considers best, except as otherwise provided in this section and may designate a state agency as the lead agency to provide a family assessment to the court. The assessment shall include, but is not limited to, the strengths and weaknesses of the family, problems interfering with the functioning of the family and with the best interests of the child, and recommendations for a comprehensive service plan to strengthen the family and assist in resolving these issues.

The lead agency shall provide the family assessment to the court in a timely manner, and the court shall conduct a hearing to review the proposed plan and adopt a plan as part of its order that will best meet the needs and best interest of the child. In arriving at a comprehensive plan, the court shall consider:

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- (a) additional testing or evaluation that may be needed;
- (b) economic services including, but not limited to, employment services, job training, food stamps, and aid to families with dependent children;
- (c) counseling services including, but not limited to, marital counseling, parenting skills, and alcohol and drug abuse counseling; and
- (d) any other programs or services appropriate to the child's and family's needs.

The lead agency is responsible for monitoring compliance with the court-ordered plan and shall report to the court as the court requires. In support of an order, the court may require the parents or other persons having custody of the child or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the child within the purview of this chapter to do or omit to do acts required or forbidden by law, when the judge considers the requirement necessary for the welfare of the child. In case of failure to comply with the requirement, the court may proceed against those persons for contempt of court;

(3) place the child on probation or under supervision in the child's own home or in the custody of a suitable person elsewhere, upon conditions as the court may determine.

(a) A child placed on probation by the court remains under the authority of the court only until the expiration of the specified term of the child's probation. This specified term of probation ~~may~~ presumptively shall not exceed two years for a felony offense or one year for a misdemeanor or status offense, but in no case may probation expire before but not extend after the twentieth birthday of the child. A child adjudicated delinquent for a probation violation or held in contempt for violation of a prior court order may be placed on probation for up to an additional six months. When a child is adjudicated for multiple offenses, the maximum term of probation shall be calculated based on the most severe adjudicated offense. The court may impose a longer term of probation if agreed to by the parties, or if a longer term is needed for the child to complete an evidence-based program as recommended by a clinical evaluation but in no case may probation extend after the child's twentieth birthday.

(b) Probation means casework services during a continuance of the case. Probation must not be ordered or administered as punishment but as a measure for the protection, guidance, and well-being of the child and the child's family. Probation methods must be directed to the discovery and correction of the basic causes of maladjustment and to the

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development of the child's personality and character, with the aid of the social resources of the community.

(c) As a condition of probation, the court may order the child to participate in a community mentor program as provided for in Section 63-19-1430.

(d) The court may impose monetary restitution or participation in supervised work or community service, or both, as a condition of probation. Restitution presumptively shall not be ordered for any child who is under the age of sixteen at the time of the offense. To overcome this presumption, the state has a burden of proving by a preponderance of the evidence that the child has the ability to pay the restitution. The Department of Juvenile Justice, in coordination with local community agencies, shall develop and encourage employment of a constructive nature designed to make reparation and to promote the rehabilitation of the child. When considering the appropriate amount of monetary restitution to be ordered, the court shall establish the monetary loss suffered by the victim and then weigh and consider this amount against the number of individuals involved in causing the monetary loss, the child's particular role in causing this loss, and the child's ability to pay the amount over a reasonable period of time. The order for monetary restitution shall specify a monthly payment schedule that will result in full payment for the established amount of restitution by the end of the child's probationary period. In the absence of a monthly payment schedule, the Department of Juvenile Justice shall impose a payment schedule of equal monthly payments that will result in full restitution being paid by the end of the child's probationary period. If the court determines at a contempt of court hearing that the basis for holding the child in contempt is that the child has willfully failed to pay restitution, the court shall make specific findings on the record of the child's willful failure to pay and shall issue an order, other than a commitment order, that addresses the child's failure to pay. The Department of Juvenile Justice shall develop a system for the transferring of court-ordered restitution from the child to the victim or owner of property injured, destroyed, or stolen. ~~As a condition of probation the court may impose upon the child a fine not exceeding two hundred dollars when the offense is one in which a magistrate, municipal, or circuit court judge has the authority to impose a fine. A fine may be imposed when commitment is suspended but not in addition to commitment;~~

(e) If a child is ordered to complete drug screens as a condition of probation or during the community evaluation period and if the child's health insurance does not cover the costs of the drug screens, the

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Department of Juvenile Justice shall pay for the drug screens or administer them at their local offices at no charge for the child. A child must not be required to pay for drug screens as part of any court order.

(4) order the child to participate in a community mentor program as provided in Section 63-19-1430;

(5) commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes or under the guardianship of a suitable person. Commitment must be for an indeterminate period but in no event beyond the child's twenty-second birthday. Such commitment only may be ordered subject to the commitment limitations established by Section 63-19-1440;

(6) require that a child under twelve years of age who is adjudicated delinquent for an offense listed in Section 23-3-430(C) be given appropriate psychiatric or psychological treatment to address the circumstances of the offense for which the child was adjudicated; ~~and~~

(7) place a child on administrative supervision with the Department of Juvenile Justice for a period of up to one year in order to pay restitution calculated pursuant to subitem (A)(3)(d), or complete community service or other sanction. Administrative supervision is not probation, and administrative supervision terminates automatically upon completion of the ordered sanction or sanctions; and

(8) dismiss the petition or otherwise terminate ~~its~~ the court's jurisdiction at any time on the motion of either party or on its own motion.

(B) Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court information concerning the child ~~which~~ that the court may require. Counsel of record, if any, must be notified by the court of an adjudication under this section, and in the event there is no counsel of record, the child or the child's parents or guardian must be notified of the adjudication by regular mail from the court to the last address of the child or the child's parents or guardian.

(C) No adjudication by the court of the status of a child is a conviction, nor does the adjudication operate to impose civil disabilities ordinarily resulting from conviction, nor may a child be charged with crime or convicted in a court, except as provided in Section 63-19-1210(6). The disposition made of a child or any evidence given in court does not disqualify the child in a future civil service application or appointment.

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SECTION 30. Article 13, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-1415. (A) Each circuit solicitor may operate one or more specialty treatment court programs, such as a juvenile drug court or a juvenile mental health court, if authorized by the South Carolina Supreme Court.

(B) Such specialty treatment court programs are to be operated in accordance with national guidelines and evidence based research.

(C) When a child is charged with an offense which places him under the jurisdiction of the family court and the child has substance abuse or mental health issues, the child may be referred to a specialty treatment court program. Upon successful completion of the specialty treatment court program, the proceedings in the family court must be dismissed and the record of the child's offenses for which the child participated in the program must be automatically expunged at no charge to the child.

(D) The participation in the specialty treatment court program shall be voluntary and a child must not be ordered to participate in such program against his will.

SECTION 31. Section 63-19-1440 of the S.C. Code as last amended by Act No. 268 of 2016 is amended to read:

Section 63-19-1440.(A) A child, after the child's twelfth birthday and before the child's eighteenth birthday or while under the jurisdiction of the family court for disposition of ~~an~~ a criminal offense that occurred prior to the child's eighteenth birthday, or for conduct that is a violation of probation or an act of contempt of court where the prior order of probation or court order arose from an adjudication for a criminal offense, may be committed to the custody of the Department of Juvenile Justice which shall arrange for placement in a suitable corrective environment. Children under the age of twelve years may be committed ~~only~~ to the custody of the department which shall arrange for placement in a suitable corrective environment other than institutional confinement. ~~No~~ A child under the age of eighteen years may not be committed or sentenced to any other penal or correctional institution of this State.

(B) A child may be committed to the custody of the Department of Juvenile Justice as provided below if:

(1) the child has a current adjudication for an offense which would be an A, B, C, or D felony if committed by an adult;

(2) the child has a current adjudication for an offense which would be a misdemeanor if committed by an adult and one or more of the following apply:

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(a) the current adjudicated offense involved the use of a firearm, as defined in section 16-23-490(D); or

(b) the child has had at least one prior adjudication for an offense that would be a felony if committed by an adult and at least three other prior adjudications for a delinquent act; or

(3)(a) the child is petitioned for an offense which would be a felony if committed by an adult;

(b) the child is adjudicated for an offense which is a lesser included offense to the petitioned felony offense; and

(c) the parties agree that a commitment is in the child's best interest.

In any case in which the court commits the child to the custody of the department, the court shall issue individualized written findings as to why a less restrictive disposition option would not adequately protect the public or rehabilitate the child. For the purposes of this section, an adjudication is considered a prior adjudication only if the date of the commission of the subsequent offense or delinquent act occurred after the imposition of the sentence for the prior offense or delinquent act.

(C) A child must not be committed to the Department of Juvenile Justice for a status offense or any violation of a court order related to a status offense. A child who is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense may not be committed to the Department of Juvenile Justice.

(D) All commitments to the custody of the Department of Juvenile Justice for delinquency as opposed to the conviction of a specific crime may be made only for the reasons and in the manner prescribed in Sections 63-3-510, 63-3-520, 63-3-580, 63-3-600, 63-3-650, and this chapter, with evaluations made and proceedings conducted only by the judges authorized to order commitments in this section. When a child is committed to the custody of the department, ~~commitment must be for the~~ court must order:

(1) an indeterminate sentence, not extending beyond the twenty-second birthday of the child unless sooner released by the department, ~~or~~

(2) ~~for~~ a determinate commitment sentence not to exceed ninety days; ~~or~~

(3) if the child is adjudicated delinquent for an offense which provides for a maximum term of imprisonment of fifteen years or more if committed by an adult, the court may order the child committed for a determinate sentence not to exceed one hundred eighty days.

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If a child is subject to a disposition order for more than one adjudicated offense, the child may not be committed for consecutive determinate commitment sentences when the total length of the determinate commitment would be for longer than the minimum parole guideline as established by the release authority, pursuant to Article 17 of this Title, if the child were to be committed to the Department of Juvenile Justice for an indeterminate period of time. A child adjudicated delinquent for a violation of a probation order or held in contempt of court for a violation of a court order related to a misdemeanor or felony offense must not receive an indeterminate commitment sentence but may receive a determinate commitment sentence not to exceed seventy-two hours, when the child has at least one prior adjudication for a probation violation or contempt of court. Prior to the issuance of a determinate commitment sentence of up to seventy-two hours for a violation of probation or contempt of court, the court must make a finding on the record that less restrictive alternatives have been considered and are unavailable or inappropriate or that the child has already been ordered to comply with a less restrictive alternative sanction but failed to comply with the sanction.

~~(C)(E)(1)~~ The court, before committing a child as a delinquent ~~or as a part of a sentence including commitments for contempt~~, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than ~~forty-five~~ thirty days for evaluation, subject to the exceptions listed below. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition. ~~The department is authorized to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because~~

(2) The court shall only order an evaluation if the child is eligible for commitment pursuant to Section 63-19-1440(B). There is a presumption for a community evaluation. The court may order a residential evaluation for the child in the custody of the department only if the court finds that the child presents an unreasonable flight or public

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safety risk to his home community. The court shall issue individualized written findings why a community evaluation with additional supervision measures arranged by the Department of Juvenile Justice would not adequately protect the public or reasonably ensure the child's presence at a dispositional hearing. The court also may commit a child to the Department of Juvenile Justice for a residential evaluation if the court finds at a contempt hearing that the child willfully failed to cooperate with or successfully complete a community evaluation ordered pursuant to this section.

(3) The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:

(1)(a) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;

(2)(b) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child's previous evaluation or other equivalent information is available to the court; or

(3)(c) receives a determinate commitment sentence not to exceed ninety days.

(D)(F) When a juvenile child is adjudicated delinquent or convicted of a crime or has entered a plea of guilty or nolo contendere in a court authorized to commit to the custody of the Department of Juvenile Justice, the juvenile child may be committed for an indeterminate period until the juvenile-child has reached age twenty-two or until sooner released by the releasing entity or released by order of a judge of the Supreme Court or the circuit court of this State, rendered at chambers or otherwise, in a proceeding in the nature of an application for a writ of habeas corpus. A juvenile child who has not been paroled or otherwise released from the custody of the department by the juvenile's child's nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. If not sooner released by the releasing entity, the juvenile child must be released by age twenty-two according to the provisions of the juvenile's child's commitment; however, notwithstanding the above provision, any juvenile child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

(E)(G) A juvenile child committed to the Department of Juvenile Justice following an adjudication for a violent offense contained in Section 16-1-60 or for the offense of assault and battery of a high and aggravated nature, who has not been paroled or released from the custody of the

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department by his eighteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. A juvenile child who has not been paroled or released from the custody of the department by his nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections at age nineteen. If not released sooner by the Board of Juvenile Parole, a juvenile child transferred pursuant to this subsection must be released by his twenty-second birthday according to the provisions of his commitment. Notwithstanding the above provision, a juvenile child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

~~(F) Notwithstanding subsections (A) and (E), a child may be committed to the custody of the Department of Juvenile Justice or to a secure evaluation center operated by the department for a determinate period not to exceed ninety days when:~~

~~(1) the child has been adjudicated delinquent by a family court judge for a status offense, as defined in Section 63-19-20, excluding truancy, and the order acknowledges that the child has been afforded all due process rights guaranteed to a child offender;~~

~~(2) the child is in contempt of court for violation of a court order to attend school or an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20; or~~

~~(3) the child is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20 including truancy.~~

~~Orders issued pursuant to this subsection must acknowledge:~~

~~(a) that the child has been advised of all due process rights afforded to a child offender; and~~

~~(b) that the court has received information from the appropriate state or local agency or public entity that has reviewed the facts and circumstances causing the child to be before the court.~~

~~(G)(H)~~ A child committed under this section may not be confined with a child who has been determined by the department to be violent.

~~(H)(I)~~ After having served at least two-thirds of the time ordered by a court, a child committed to the Department of Juvenile Justice for a determinate period pursuant to this section may be released by the department prior to the expiration of the determinate period for "good behavior" as determined by the department. ~~The court, in its discretion,~~

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~~may state in the order that the child is not to be released prior to the expiration of the determinate period ordered by the court.~~

~~(H)(J) Juveniles Children~~ detained in any temporary holding facility or juvenile detention center, short-term alternative placement or its equivalent, or who are temporarily committed for evaluation to a Department of Juvenile Justice evaluation center for the offense for which they were subsequently committed by the family court to the custody of the Department of Juvenile Justice shall receive credit toward their parole guidelines, if indeterminately sentenced, or credit toward their date of release, if determinately sentenced, for each day they are detained in or temporarily committed to any secure pre-dispositional facility, center, or program.

SECTION 32. Section 63-19-1450(A) of the S.C. Code is amended to read:

(A)(1) No ~~juvenile child~~ may be committed to an institution under the control of the Department of Juvenile Justice who is seriously handicapped by mental illness or ~~retardation~~ intellectual disability.

(a) The family court may order an evaluation for a determination of serious mental illness or intellectual disability sua sponte or upon a motion of any party involved with the case or upon a recommendation from the Department of Juvenile Justice pursuant to Section 44-24-150(A) and (B) or Section 44-20-450.

(b) Upon the return of the evaluation the court must hold a hearing to determine whether to proceed pursuant to Section 44-24-150(C), Section 44-20-450 or under Title 63 to determine if the child meets the definition of seriously handicapped by mental illness or intellectual disability and whether the child must be committed to the supervision of the Department of Mental Health or the Department of Disabilities and Special Needs. In making the determination the court shall consider, in addition to any evaluation ordered by the court or requested by the parties, the child's past mental health, disability services, special education or similar records provided by any of the parties to determine if this section applies.

(2) If, after a ~~juvenile child~~ is referred to the ~~Reception and Evaluation Center~~ custody of the Department of Juvenile Justice, it is determined that the ~~juvenile child~~ is mentally ill, as defined in Section 44-23-10, or a person with intellectual disability to an extent that the ~~juvenile child~~ could not be properly cared for in its custody, the department through the voluntary admission process or by instituting necessary legal action may accomplish the transfer of the ~~juvenile child~~ to another state agency which in its judgment is best qualified to care for

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the juvenile child in accordance with the laws of this State. This legal action pursuant to Section 63-3-510(A)(2) must be brought in the juvenile's child's resident county. The department shall establish standards with regard to the physical and mental health of juveniles children whom it can accept for commitment.

SECTION 33. Article 13, Chapter 19, Title 63 of the S.C. Code is amended by adding:

Section 63-19-1480. (A) Any case remaining open for twelve months after the date of the disposition shall be reviewed by the court at least annually and closed, unless the court finds by a preponderance of the evidence that the continued provision of services and court involvement are necessary and shall be fruitful to rehabilitate the child or protect the public interest. Upon making a finding that the purposes of this chapter have been met with regard to the child named in the petition, or for such other reason the court may consider appropriate and consistent with the purposes of this chapter, the court may order a case closed. If after the hearing, the court does not close the case, the court may amend earlier dispositional orders when supported by developments since the issuance of such orders. All such findings shall be in writing and shall include the individualized basis upon which those findings were made.

(B) Upon request by the child, the solicitor, or the Department of Juvenile Justice, the court shall also review any case in which the child remains at the Department of Juvenile Justice more than six months after an order of commitment without having been released on parole or having been returned to the department's custody following revocation of parole, and may amend earlier dispositional orders at such hearings. Successive requests for review shall be granted upon request by the child, the solicitor, or the department of Juvenile Justice, but the court may deny such requests without a hearing if a review was held less than ninety days prior to receipt of a request for review. Any such request for review by the court shall be decided within forty-five days of the filing of that request. In each instance that the court reviews a case in which the child remains at the department or remains under the supervision of the department at the time of review, the child shall be entitled to the assistance of counsel.

SECTION 34. Section 63-19-1810(A) of the S.C. Code is amended to read:

(A) The release and revocation of release of juveniles children adjudicated delinquent and committed to the department must be determined by:

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(1) the department for juveniles children adjudicated delinquent and committed ~~after March 31, 2007~~, for an indeterminate period for ~~a status offense or~~ a misdemeanor, other than assault and battery of a high and aggravated nature or assault with intent to kill, and for juveniles children who have violated probation for ~~a status offense or~~ a misdemeanor, other than assault and battery of a high and aggravated nature or assault with intent to kill;

(2) the Board of Juvenile Parole for juveniles children adjudicated delinquent and committed for an offense other than an offense provided for in item (1).

SECTION 35. Section 63-19-1820 of the S.C. Code is amended to add an appropriately lettered new subsection to read:

() The releasing entity shall ensure that length of stay guidelines are based on evidence-based best practices and that the balance of public safety, personal accountability, and competency development are accounted for in length of stay decisions and plans. The projected release date for a committed child must be based on the severity of the committing offense and the child's risk for reoffending. The actual release date may take into consideration other factors, including the child's progress in treatment and behavior during commitment.

SECTION 36. Section 63-19-1835 of the S.C. Code is amended to read:

Section 63-19-1835. (A) The department may grant up to a ten-day reduction of the probationary or parole term to probationers and parolees who are under the department's supervision for each month they are compliant with the terms and conditions of their probation or parole order.

(B) Except for an alleged community safety violation, in response to an alleged technical violation of the terms and conditions of a child's probationary or parole term the department must serve on the child a notice of administrative sanctions as an alternative to pursuing a probation violation or parole revocation. Prior to implementation of administrative sanctions, the child and the child's parent or guardian must agree in writing to the additional conditions set forth in the notice of administrative sanctions. Once the notice of administrative sanctions is signed, these additional conditions are considered to be incorporated as part of the original probation or parole order, and the department shall file a copy of the notice of administrative sanctions with the court or parole authority. The criteria for administering structured, community-based administrative sanctions shall be established by policy of the department. The department shall delineate in the policy a listing

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of administrative sanctions for the most common types of supervision violations including, but not limited to: failure to report; failure to pay restitution; failure to participate in a required program or service; failure to comply with mandatory school attendance order or order to refrain from engaging in misconduct resulting in school disciplinary referrals; failure to complete community service; failure to follow curfew or the conditions of electronic monitoring; failure to successfully complete an alternative placement program; and failure to refrain from the use of alcohol or controlled substances. The sanctions shall consider the severity of the current violation, the child's previous juvenile record, the number and severity of previous supervision violations, the child's risk and needs assessment, the child's age and developmental level, the child's mental health diagnosis or other special needs, the extent to which administrative sanctions were imposed for previous violations, and other relevant factors. The department, in determining the administrative sanctions to be served on a child, shall ascertain the availability of community-based programs and treatment options including, but not limited to: inpatient and outpatient substance abuse treatment facilities, individual and family counseling, mentoring programs, day or night reporting centers, intensive supervision, electronic monitoring, community service, programs to reduce recidivism, and other community-based options consistent with evidence-based best practices. Nothing in this section precludes the department from responding immediately to an alleged community safety violation by initiating violation proceedings with the appropriate authority.

SECTION 37. Section 63-19-2020(E) of the S.C. Code is amended to read:

(E)(1) The department must notify the principal of a school or the administration of the college or university in which a child is enrolled, intends to be enrolled, or was last enrolled upon final disposition of a case in which the child is charged with any of the following offenses:

(a) a violent crime, as defined in Section 16-1-60;

(b) a crime in which a weapon, as defined in Section 59-63-370, was used;

~~(c) assault and battery against school personnel, as defined in Section 16-3-612;~~

~~(d)~~ assault and battery of a high and aggravated nature or assault and battery in the first or second degree committed on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity; or

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~~(e)~~(d) distribution or trafficking in unlawful drugs, as defined in Article 3, Chapter 53 of Title 44.

(2) Each school district, college, or university is responsible for developing a policy for ~~schools within the district~~ each school to follow to ensure that the confidential nature of a child offense history and other information received is maintained. This policy must provide for, but is not limited to:

(a) the retention of the child offense history and other information relating to the child offense history in the child's school disciplinary file or in some other confidential location;

(b) the destruction of the child offense history upon the child's completion of secondary school, the completion or withdrawal from the college or university, or upon reaching twenty one years of age; and

(c) limiting access to the child's school disciplinary file to school personnel. This access must only occur when necessary and appropriate to meet and adequately address the educational needs of the child.

SECTION 38. Section 63-19-2030(E) of the S.C. Code is amended to read:

(E)(1) Incident reports in which a child is the subject are to be provided to the victim of a crime pursuant to Section 16-3-1520.

(2) Incident reports, including information identifying a child, must be provided by law enforcement to the principal of the school, or the administration of the college or university in which the child is enrolled when the child has been charged with any of the following offenses:

~~(1)~~(a) a violent crime, as defined in Section 16-1-60;

~~(2)~~(b) an offense that would carry a maximum term of imprisonment of fifteen years or more if committed by an adult;

~~(3)~~(c) a crime in which a weapon, as defined in Section 59-63-370, was used;

~~(4) assault and battery against school personnel, as defined in Section 16-3-612;~~

~~(5)~~(d) assault and battery of a high and aggravated nature or assault and battery in the first or second degree committed on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity; or

~~(6)~~(e) distribution or trafficking in unlawful drugs, as defined in Article 3, Chapter 53, of Title 44.

(3) Incident reports involving other offenses must be provided upon request of the principal or the president of the college or university. This information must be maintained by the principal or the president of the college or university in the manner set forth in Section 63-19-2020(E)

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and must be forwarded with the child's permanent school records if the child transfers to another school or school district.

(4) Any disclosures made pursuant to subitem (E)(2) must include language clarifying that the child is innocent until proven guilty, and that once the charges are finally adjudicated by the family court, the school may make school assignment decisions based only on the adjudication and not on pending charges.

(5) If law enforcement has made a disclosure pursuant to Section 63-19-2030(E), it must supplement that notification with timely notification of any dismissal or reduction of any of the notified charges.

SECTION 39. Sections 63-19-2050(A) and (C) of the S.C. Code as last amended by Act No. 254 of 2018, are further amended to read:

(A)(1) A person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a ~~status offense or a~~ nonviolent crime, as defined in Section 16-1-70, may petition the court for an order expunging all official records relating to:

- (a) being taken into custody;
- (b) the charges filed against the person;
- (c) the adjudication; and
- (d) the disposition.

(2) A person may not petition the court if the person has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult.

~~(C)(1) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense, the court shall grant the expungement order. If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed multiple status offenses, the court may grant an expungement order for the multiple status offenses.~~ All official records relating to the taking into custody, the charges filed, the adjudication, and the disposition for committing a status offense, as defined in Section 63-19-20, must be expunged subject to eligibility when the person has reached the age of eighteen. The expungements must occur if the person has no family court delinquency cases pending or family court delinquency sentences to be completed, or as soon thereafter once the person has completed the sentence for any pending cases, the service of any pending dispositional sentences imposed by the family court including probation or parole, or upon the final conclusion of any pending case in the family court if there is a dismissal, a finding of no delinquency, or no sentence is imposed. The expungements must occur

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after appropriate eligibility verifications upon the earliest of the following:

(a) after notice or written request by the eligible child;

(b) after a regular quarterly system-wide check of children in the system eligible to receive an expungement; or

(c) if technology allows within a jurisdiction, the review for eligibility must occur automatically upon each eligible child's eighteenth birthday.

(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received youthful offender sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(3) The court shall not grant the expungement order unless the court finds that the person is at least eighteen years of age, has successfully completed any dispositional sentence imposed, has not been subsequently adjudicated for or convicted of any criminal offense, and does not have any criminal charges pending in family court or general sessions court. If the person was found not guilty in an adjudicatory hearing in the family court or the charge was dismissed, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement. An adjudication for a violent crime, as defined in Section 16-1-60, must not be expunged.

SECTION 40. Section 63-19-2050 of the S.C. Code is amended by adding an appropriately lettered new subsection to read:

() Notwithstanding any other provision of law, an individual who is qualified to petition for record destruction under this section may not be charged a fee to petition for or obtain an order for record destruction, or for any part of the process for adjudicating such a petition.

SECTION 41. Article 19, Chapter 18, Title 59 of the S.C. Code is amended by adding:

Section 59-18-1970. (A) For purposes of this section, "a student who has experienced a disruption in the student's education" means a student who experiences one or more changes in public school or school district enrollment during a single school year as the result of:

(1) homelessness as defined in the federal McKinney Vento Homeless Assistance Act and as determined by the public school or school district;

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(2) adjudication as:

(a) a victim of child abuse or neglect, pursuant to Chapter 7, Title 63; or

(b) having committed a status offense or an act which, if committed by an adult, would be a crime, pursuant to Chapter 19 of Title 63; or

(3) placement in a mental health treatment facility or habilitation program for developmental disabilities.

(B) If a student who has experienced a disruption in the student's education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two business days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two business days of having received the receiving public school's or school district's communication.

(C) A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

(1) priority placement in classes that meet state graduation requirements;

(2) timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records;

(3) equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

(4) timely assistance and advice from counselors to improve the student's college or career readiness; and

(5) all special education services to which the student is entitled.

SECTION 42. Article 19, Chapter 18, Title 59 of the S.C. Code is amended by adding:

Section 59-18-1980. (A) As used in this section, "involved in the juvenile justice system" means a student who has been referred to the Department of Juvenile Justice or the family court due to allegations that the student has committed a delinquent or status offense and voluntary or involuntary conditions have been imposed on the student, including a student who is participating in a diversion program, is under a probation order, is currently supervised by the Department of Juvenile Justice, or

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has recently entered or left a juvenile or criminal justice placement or is on supervised release or parole.

(B) Each school district and charter school authorized by the Charter School Board or a local school board shall designate an individual to serve as a point of contact for students involved in the juvenile justice system. Charter schools authorized by school districts may use the district's point of contact. Multiple school districts may share a single designated point of contact with approval from the Department of Education and from the Department of Juvenile Justice.

(C) For students transferring into the school district or charter school, the point of contact person shall be responsible for:

(1) ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;

(2) ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student's enrollment;

(3) ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and

(4) collaborating with the education program staff in a juvenile or criminal justice placement, the child, and the child's parent, guardian, or other legal educational decision maker to develop and implement a plan for assisting the transition of a student to the school district or charter school authorized by the department to minimize disruption to the student's education.

(D) For students transferring out of the school district or charter school authorized by the department, the point of contact person shall be responsible for providing all records to the new school within two business days of receiving a request from the receiving school.

(E) For students involved in the juvenile justice system, the point of contact person shall be responsible for:

(1) ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

(2) ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student's college and career readiness;

(3) ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;

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(4) identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;

(5) supporting communication among the school; the Department of Social Services; the student; the student's parent or guardian; the student's educational decision maker appointed by the children's court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and

(6) ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

(F) The Department of Social Services shall notify a school when a student in the school enters foster care or a student in foster care enrolls in another school.

(G) The student or the student's educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and services from the point of contact.

SECTION 43. Section 59-24-60 of the S.C. Code is amended to read:

Section 59-24-60. In addition to other provisions required by law or by regulation of the State Board of Education, school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which ~~may result or if committed by an adult would be a felony or a crime punishable by a maximum sentence of five years or more of incarceration or which results in injury or serious threat of injury to the person or to another person or his property~~ as defined in local board policy.

SECTION 44. Section 59-6-210 of the S.C. Code is amended to read:

Section 59-63-210. (A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any ~~crime act which if committed by an adult would be a felony or a crime punishable by a maximum term of imprisonment of five years or more, any violation related to a threat of violence to the school or any person at the school, any act for which there a victim who attends the school who has a reasonable fear for his safety, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. If the action by the district board of trustees is based on conduct by the~~

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student that occurred outside of school or school-sanctioned or sponsored activity, such action is permitted only when the conduct at issue amounts to a violent offense as defined in Section 16-1-60 or resulted in moderate or great bodily injury. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).

SECTION 45. Section 59-63-1320 of the S.C. Code is amended to read:

Section 59-63-1320. Eligible alternative school programs shall be provided for, but not limited to, students in grades 6-12 as follows:

(1) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the attention and assistance beyond that of a traditional program as established by the academic history of the student, ~~including the student's academic plan as required in Section 59-18-500,~~ and following other policies and procedures for documenting need established by the district board of trustees.

(2) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the program due to habitual exhibitions of disruptive behavior in violation of the student conduct policies and behavior codes approved by the school board of trustees.

Districts must establish clear guidelines and procedures for the referral of any student into an alternative school program and before a decision is made to assign a student to an alternative school program, a determination must be made that the written and distributed academic and disciplinary policies of the district have been followed.

(3) Students placed in an alternative school program by the district board of trustees as an option to suspension or expulsion or by the dispositive order of a family court judge, with the consent of the local board of trustees. However, before a student may be placed in an alternative school program, a determination must be made by the local board that the written and distributed disciplinary policy of the district has been followed. Districts must establish clear guidelines and

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procedures for the placement of any student into an alternative school program and at a minimum they shall prescribe due process procedures for placement actions.

(4) When a child who has been enrolled in a Department of Juvenile Justice school district leaves the department's school district and enrolls or re-enrolls in a school district, the district must not require that student to attend alternative school programs unless:

(a) a student is referred for voluntary attendance at the alternative school program and an intervention team, including parent or guardian and child, agrees such placement is appropriate;

(b) an intervention assessment reveals an imminent threat of injury or a likelihood of serious misconduct that exceeds routine discipline matters will occur if the child remains or reenrolls at his assigned school; or

(c) if the child or the child's parent or guardian objects to the placement in an alternative school, a due process hearing must be held by the district within ten business days and there must be a determination by the hearing officer that the student would be better served in the alternative setting based on clear guidelines and procedures for placement established by the school district.

(5) When students are being considered for placement in an alternative school program, districts must consider the requirements of the Federal Individuals with Disabilities Education Act (IDEA). If a child with a disability for purposes of the IDEA who has been in the custody of the Department of Juvenile Justice leaves the Department's custody and enrolls or re-enrolls in a school district, the district must hold a team meeting to determine on an individualized basis the child's most appropriate educational placement.

(6) If a student placed by the board of trustees in an alternative school program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, information concerning the student's placement in an alternative school program. Upon review of the information, the district in which the student enrolls may continue an alternative education program placement or may allow the student to attend regular classes without completing the period of the placement.

SECTION 46. Sections 63-19-2420 and 63-19-2430 are repealed.

SECTION 47. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17,

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Article III of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections to the subject of juvenile justice reform as recommended by the Senate Select Committee on Raise the Age. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 48. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 49. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question being the adoption of the amendment.

The amendment was not adopted.

The question being the second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 844 -- Senator Rankin: A JOINT RESOLUTION TO CREATE A REVIEW AND STUDY COMMITTEE, TO PROVIDE THAT THE REVIEW AND STUDY COMMITTEE SHALL CONDUCT A THOROUGH STUDY AND REVIEW OF SOUTH CAROLINA'S CIVIL JUSTICE AND INSURANCE LAWS REGARDING COVERAGE AVAILABILITY, PREMIUM RATES, AND DEDUCTIBLES; AND TO PROVIDE THAT THE REVIEW AND STUDY COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE GOVERNOR.

The Senate proceeded to a consideration of the Resolution.

Senator RANKIN explained the Resolution.

The question being the second reading of the Resolution.

On motion of Senator RANKIN, the Resolution was carried over.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day and proceed to the morning hour.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Shealy	Talley
Tedder	Turner	Verdin
Williams	Young	

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Total--41

NAYS

Fanning

Matthews

Total--2

The motion to Vary the Order of the Day passed.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary polled out S. 1158 favorable:

S. 1158 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE, SO AS TO PROVIDE THAT THE VIOLATIONS SUBSEQUENT TO THE FIRST VIOLATION MUST OCCUR WITHIN TWENTY YEARS OF THE FIRST OFFENSE TO QUALIFY FOR GRADUATED PENALTIES; BY AMENDING SECTION 16-23-420, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT EXPRESS AUTHORIZATION TO CARRY THE FIREARM ON SCHOOL PROPERTY MAY NOT BE PROVIDED TO A STUDENT ENROLLED IN A PUBLIC SCHOOL; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING A WEAPON ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT STUDENTS ENROLLED IN A PUBLIC SCHOOL MAY NOT POSSESS WEAPONS EVEN IF THEY ARE SECURED WITHIN A VEHICLE; BY AMENDING SECTION 23-31-245, RELATING TO REASONABLE SUSPICION OR PROBABLE CAUSE TO SEARCH, DETAIN, OR ARREST, SO AS TO CLARIFY THAT THE PROVISIONS IN THE SECTION APPLY TO A PERSON CARRYING A WEAPON IN ACCORDANCE WITH THE ARTICLE WHETHER OR NOT THE WEAPON IS CONCEALED; AND BY AMENDING SECTION 16-23-20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO CLARIFY WHEN CARRYING A HANDGUN IS IMPERMISSIBLE IN A PUBLICLY OWNED BUILDING OTHER THAN A COURTHOUSE WHERE COURT IS HELD.

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**Poll of the Judiciary Committee
Polled 23; Ayes 16; Nays 5; Not Voting 2**

AYES

Rankin	Hutto	Malloy
Campsen	Massey	Sabb
McLeod	Senn	Talley
Harpootlian	Adams	Garrett
Gustafson	Kimbrell	<i>M. Johnson</i>
Tedder		

Total--16

NAYS

Climer	Rice	Cash
Loftis	Reichenbach	

Total--5

NOT VOTING

Stephens	Devine
----------	--------

Total—2

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education polled out S. 1188 favorable:

S. 1188 -- Senators Tedder and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-240, RELATING TO EXPULSION FOR THE REMAINDER OF THE YEAR AND HEARINGS, SO AS TO AMEND REQUIREMENTS TO BE INCLUDED IN THE WRITTEN NOTIFICATION TO PARENTS OR LEGAL GUARDIANS OF THE PUPIL

**Poll of the Education Committee
Polled 17; Ayes 15; Nays 0; Not Voting 2**

AYES

Hembree	Rankin	Peeler
Jackson	Grooms	Malloy
Hutto	Young	Turner

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Rice	Talley	Massey
Cash	Allen	<i>K. Johnson</i>
Total--15		

NAYS
Total--0

ABSTAIN
Total--0

NOT VOTING

Setzler	Loftis
Total--2	

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that when the Senate stands adjourned on Thursday, April 4, that it will adjourn to meet Friday, April 5, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, that when the Senate stands adjourned on Friday, April 5, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 9, Wednesday, April 10 and Thursday, April 11 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. The Senate would meet again in regular statewide session Tuesday, April 16, at 12:00 P.M.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of retired U. S. Army Major General Richard S. “Steve” Siegfried of Chapin, S.C. Steve retired after an honorable thirty-five year career with the Army. He received many awards including the Combat Infantryman Badge, Airborne Wings, British Airborne Wings, two Distinguished Service Medals, the Silver Star, Soldier’s Medal, Legion of Merit, two Bronze Stars with V Device, two Purple Hearts and was inducted into the OCS Hall of Fame and the Ft. Jackson Hall of Fame. He worked for SCANA after his retirement from the Army and enjoyed mentoring and volunteering in and around his community. He was a member of Chapin Christian Community Church. Steve was a loving husband who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Barney Traywick Keitt, Jr. of Columbia, S.C. Barney was a graduate of Dreher High School. He joined the Navy in 1961 where he served three years before joining the Naval Reserve. Barney worked in the welding industry for forty-seven years. He was a member of Trinity Baptist Church and a member of the American Legion, the Lions Club of West Columbia and several welding supply associations. Barney was a loving husband and devoted uncle who will be dearly missed.

ADJOURNMENT

At 6:20 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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