DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.net regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 13.

 PRISONERS GENERALLY

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 24‑13‑10.** Segregation of sexes.

In all prisons and chain gangs in the State a separation of the sexes shall be at all times observed.

**SECTION 24‑13‑20.** Sheriffs’ duties with respect to arrest of escaped convicts.

The sheriffs of this State shall, under the penalty herein provided, arrest in their respective counties, with or without a warrant, all escaped convicts from the State Penitentiary or from the chain gang or jails found in their respective counties. Upon any such arrest any such sheriff shall immediately notify the proper authority from whose care such convict escaped. Upon any willful neglect or failure on the part of any such sheriff to comply with the provisions of this section he shall be guilty of a misdemeanor and, upon conviction, be fined in a sum of not more than five hundred dollars nor less than one hundred dollars or be imprisoned for not more than six months or be both fined and imprisoned, at the discretion of the court.

**SECTION 24‑13‑30.** Use of force to prevent escape of prisoners.

Any person officially charged with the safekeeping of prisoners, when such prisoners are awaiting trial in general sessions court or have been sentenced and confined in any State, county or municipal penal facility, may use such force as is necessary to prevent the escape of a prisoner lawfully in his custody without regard to whether such prisoner is charged with or convicted of a felony or misdemeanor.

**SECTION 24‑13‑40.** Computation of time served by prisoners.

The computation of the time served by prisoners under sentences imposed by the courts of this State shall be reckoned from the date of the imposition of the sentence. But when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served shall be reckoned from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

**SECTION 24‑13‑50.** Monthly reports required from municipal and county officials responsible for custody of convicted persons.

Every municipal and county official responsible for the custody of persons convicted of any criminal offense shall on or before the fifth day of each month file with the Department of Corrections a written report stating the name, race, age, criminal offense and date and length of sentence of all prisoners in their custody during the preceding month.

**SECTION 24‑13‑60.** Screening of offenders for possible placement on work release.

The Department of Corrections shall automatically screen all offenders committed to its agency for non‑violent offenses with sentences of five years or less for possible placement on work release or supervised furlough.

**SECTION 24‑13‑65.** Prisoners to be provided for litter control projects.

The Department of Corrections shall provide prisoners not otherwise engaged in a useful prison occupation for litter control projects proposed by counties and municipalities.

**SECTION 24‑13‑80.** Prisoners to pay for certain costs; definitions; criteria for deductions from inmates’ accounts; reimbursement to inmates; recovery from estates of inmates.

(A) As used in this section:

(1) “Detention facility” means a municipal or county jail or state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) “Inmate” means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) “Medical treatment” means each visit initiated by the inmate to an institutional physician, physician’s extender including a physician’s assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) “Administrator” means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) “Director” means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property wilfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

(2) defray the costs paid by a municipality or county for elective medical treatment for an inmate, which has been requested by him, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate at the inmate’s request. If the balance in an inmate’s account is five dollars or less, the fee must not be charged. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.

**SECTION 24‑13‑100.** Definition of no parole offense; classification.

For purposes of definition under South Carolina law, a “no parole offense” means a class A, B, or C felony or an offense exempt from classification as enumerated in Section 16‑1‑10(d), which is punishable by a maximum term of imprisonment for twenty years or more.

**SECTION 24‑13‑125.** Eligibility for work release; limitations; forfeiture of credits.

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, a prisoner convicted of a “no parole offense”, as defined in Section 24‑13‑100, and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20, is not eligible for work release until the prisoner has served not less than eighty percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from participating in work release by another provision of law to be eligible for work release.

(B) If a prisoner confined in a facility of the department commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If a prisoner confined in a local correctional facility pursuant to a designated facility agreement commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the prisoner. The decision to withhold credits is solely the responsibility of officials named in this subsection.

**SECTION 24‑13‑150.** Early release, discharge, and community supervision; limitations; forfeiture of credits.

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, a prisoner convicted of a “no parole offense” as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the prisoner has served at least eighty‑five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

(B) If a prisoner confined in a facility of the department commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If a prisoner confined in a local correctional facility pursuant to a designated facility agreement commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the prisoner. The decision to withhold credits is solely the responsibility of officials named in this subsection.

**SECTION 24‑13‑175.** Calculation of sentence imposed and time served.

Notwithstanding any other provision of law, sentences imposed and time served must be computed based upon a three hundred and sixty‑five day year.

ARTICLE 3.

 REDUCTION IN SENTENCE; EARLY RELEASE

**SECTION 24‑13‑210.** Credit given convicts for good behavior.

(A) A prisoner convicted of an offense against this State, except a “no parole offense” as defined in Section 24‑13‑100, and sentenced to the custody of the Department of Corrections including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) A prisoner convicted of a “no parole offense” against this State as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No prisoner convicted of a “no parole offense” is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) A prisoner convicted of an offense against this State and sentenced to a local correctional facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

(D) If a prisoner confined in a facility of the department commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If a prisoner confined in a local correctional facility pursuant to a designated facility agreement commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the prisoner. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed therefrom for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24‑21‑560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24‑21‑560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole, and Pardon Services’ prerelease or community supervision program as provided in Section 24‑21‑560.

**SECTION 24‑13‑220.** Time off for good behavior in cases of commuted or suspended sentences.

The provisions of Section 24‑13‑210 shall also apply when a portion of a sentence which has been imposed is suspended. Credits earned for good conduct shall be deducted from and computed on the time the person is actually required to serve, and the suspended sentence shall begin on the date of his release from servitude as herein provided.

**SECTION 24‑13‑230.** Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program.

(A) The Director of the Department of Corrections may allow any prisoner in the custody of the department, except a prisoner convicted of a “no parole offense” as defined in Section 24‑13‑100, who is assigned to a productive duty assignment or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit and education credit is limited to one hundred eighty days.

(B) The Director of the Department of Corrections may allow a prisoner in the custody of the department serving a sentence for a “no parole offense” as defined in Section 24‑13‑100, who is assigned to a productive duty assignment or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No prisoner convicted of a “no parole offense” is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. A maximum annual credit for both work credit and education credit is limited to seventy‑two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole, and Pardon Services’ prerelease or community supervision program as provided in Section 24‑21‑560.

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment all or part of the work credit or education credit he has earned may be forfeited in the discretion of the official having charge of the prisoner.

(E) The official in charge of a local detention or correctional facility to which persons convicted of offenses against the State are sentenced shall allow any inmate serving such a sentence in the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention or correctional facility and published by him in a conspicuous place available to inmates.

(F)(1) An individual is only eligible for the educational credits provided for in this section, upon successful participation in an academic, technical, or vocational training program.

(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in Section 16‑1‑60.

(G) The South Carolina Department of Corrections may not pay any tuition for college courses.

**SECTION 24‑13‑235.** Voluntary program.

Notwithstanding any other provision of law, the governing body of any county may authorize the sheriff or other official in charge of county correctional facilities to offer a voluntary program under which any person committed to such facility may perform labor on the public works or ways. The confinement of the person must be reduced by one day for every eight hours of labor on the public works or ways performed by the person. As used in this section, “labor on the public works or ways” means manual labor to improve or maintain public facilities, including, but not limited to, streets, parks, and schools.

The governing body of the county may prescribe reasonable regulations under which such labor is to be performed and may provide that such persons wear clothing of a distinctive character while performing such work.

Nothing contained in this section may be construed to require the sheriff or other such official to assign labor to a person pursuant to this section if it appears from the record that the person has refused to perform labor as assigned satisfactorily or has not satisfactorily complied with the reasonable regulations governing such assignment. A person is eligible for supervised work under this section only if the sheriff or other such official concludes that the person is a fit subject therefor.

If a court sentences a defendant to a period of confinement of fifteen days or more, the court may restrict or deny the defendant’s eligibility for the supervised work program.

The governing body of the county may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person in the program, according to the person’s ability to pay.

**SECTION 24‑13‑260.** Failure of officer having charge of convict to allow deduction in time of serving sentence; penalty.

Any officer having charge of any such convict who shall refuse to allow such deduction in time of serving sentence shall be guilty of a misdemeanor and shall, upon conviction, suffer imprisonment for not less than thirty days or pay a fine of not less than one hundred dollars.

ARTICLE 5.

 OFFENSES

**SECTION 24‑13‑410.** Escaping or attempting to escape from prison or possessing tools or weapons therefor.

(A) It is unlawful for a person, lawfully confined in prison or upon the public works of a county or while in the custody of a superintendent, guard, or officer, to escape, to attempt to escape, or to have in his possession tools or weapons which may be used to facilitate an escape.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not less than one year nor more than fifteen years.

(C) The term of imprisonment is consecutive to the original sentence and to other sentences previously imposed upon the escapee by a court of this State.

**SECTION 24‑13‑420.** Harboring or employing escaped convicts.

A person who knowingly harbors or employs an escaped convict, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

**SECTION 24‑13‑430.** Rioting or inciting to riot.

(1) Any inmate of the Department of Corrections, city or county jail, or public works of any county that conspires with any other inmate to incite such inmate to riot or commit any other acts of violence shall be deemed guilty of a felony and upon conviction shall be sentenced in the discretion of the court.

(2) Any inmate of the Department of Corrections, city or county jail, or public works of any county that participates in a riot or any other acts of violence shall be deemed guilty of a felony and upon conviction shall be imprisoned for not less than five years nor more than ten years.

**SECTION 24‑13‑440.** Carrying or concealing weapon.

It is unlawful for an inmate of a state correctional facility, city or county jail, or public works of a county to carry on his person a dirk, slingshot, metal knuckles, razor, firearm, or any other deadly weapon, homemade or otherwise, which usually is used for the infliction of personal injury upon another person, or to wilfully conceal any weapon within any Department of Corrections facility or other place of confinement.

A person violating this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years. A sentence imposed under this section must be served consecutively to any other sentence the inmate is serving.

**SECTION 24‑13‑450.** Taking of hostages.

An inmate of a state, county, or city correctional facility or a private entity that contracts with a state, county, or city to provide care and custody of inmates, including persons in safekeeper status, acting alone or in concert with others, who by threats, coercion, intimidation, or physical force takes, holds, decoys, or carries away any person as a hostage or for any other reason whatsoever shall be deemed guilty of a felony and, upon conviction, shall be imprisoned for a term of not less than five years nor more than thirty years. This sentence shall not be served concurrently with any sentence being served at the time the offense is committed.

**SECTION 24‑13‑460.** Furnishing prisoners alcoholic beverages or narcotic drugs.

It shall be unlawful for any person in this State to furnish any prisoner in a jail or on a chain gang any alcoholic beverages or narcotic drugs. Anyone violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of five hundred dollars or imprisonment for six months or both.

**SECTION 24‑13‑470.** Throwing of body fluids on correctional facility employees and certain others; penalty; blood borne disease testing.

(A) An inmate, detainee, a person taken into custody, or a person under arrest who attempts to throw or throws body fluids including, but not limited to, urine, blood, feces, vomit, saliva, or semen on an employee of a state or local correctional facility, a state or local law enforcement officer, a visitor of a correctional facility, or any other person authorized to be present in a correctional facility in an official capacity is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. A sentence under this provision must be served consecutively to any other sentence the inmate is serving. This section shall not prohibit the prosecution of an inmate for a more serious offense if the inmate is determined to be HIV‑positive or has another disease that may be transmitted through body fluids.

(B) A person accused of a crime contained in this section may be tested for a blood borne disease within seventy‑two hours of the crime if a health care professional believes that exposure to the accused person’s body fluid may pose a significant health risk to a victim of the crime.

(C) This section does not apply to a person who is a “patient” as defined in Section 44‑23‑10(3).

(D) For purposes of this section, “local correctional facility” includes, but is not limited to, a local detention facility.

ARTICLE 7.

 WORK RELEASE PROGRAM

**SECTION 24‑13‑640.** Statewide uniform for prisoners assigned to work details outside of correctional facilities.

Notwithstanding any other provision of law, any state or local prisoner who is not in the highest trusty grade and who is assigned to a work detail outside the confines of any correctional facility shall wear a statewide uniform. The uniform must be of such a design and color as to easily be identified as a prisoner’s uniform and stripes must be used in the design. The Department of Corrections Division of Prison Industries shall manufacture the statewide uniform and make it available for sale to the local detention facilities. The Director of the Department of Corrections may determine, in his discretion, that the provisions of this section do not apply to certain prisoners.

**SECTION 24‑13‑650.** Prohibition against release of offender into community in which he committed violent crime; exception.

No offender committed to incarceration for a violent offense as defined in Section 16‑1‑60 or a “no parole offense” as defined in Section 24‑13‑100 may be released back into the community in which the offender committed the offense under the work release program, except in those cases wherein, where applicable, the victim of the crime for which the offender is charged or the relatives of the victim who have applied for notification under Article 15, Chapter 3, Title 16 if the victim has died, the law enforcement agency which employed the arresting officer at the time of the arrest, and the circuit solicitor all agree to recommend that the offender be allowed to participate in the work release program in the community where the offense was committed. The victim or the victim’s nearest living relative, the law enforcement agency, and the solicitor, as referenced above, must affirm in writing that the offender be allowed to return to the community in which the offense was committed to participate in the work release program.

**SECTION 24‑13‑660.** Public service work performed by inmates.

(A) A criminal offender committed to incarceration anywhere in this State may be required by prison or jail officials to perform public service work or related activities while under the supervision of appropriate employees of a federal, state, county, or municipal agency, or of a regional governmental entity or special purpose district. Prison or jail officials shall make available each inmate who is assigned to the program for transportation to his place of work on all days when work is scheduled and shall receive each inmate back into confinement at the respective facility after work is concluded. This public service work is considered to be a contribution by the inmate toward the cost of his incarceration and does not entitle him to additional compensation.

(B) No offender may be allowed to participate in these public service work activities unless he first is properly classified and approved to be outside the prison or jail without armed escort.

(C) The public service work requirement in subsection (A) operates only when adequate supervision and accountability can be provided by the agency, entity, district, or organization which is responsible for the work or related activity. The types of public service work permitted to be performed include, but are not limited to, litter control, road and infrastructure repair, and emergency relief activities.

(D) The South Carolina Department of Corrections may enter into a contractual agreement with any federal, state, county, or municipal agency, or with any regional governmental entity or public service district, to provide public service work or related activities through the use of inmate labor under authorized circumstances and conditions. A jail or camp also may provide public service work or related activities through the use of inmate labor in accordance with the Minimum Standards for Local Detention Facilities in South Carolina and with applicable statutes and ordinances.

(E) It is the policy of this State and its subdivisions to utilize criminal offenders for public service work or related activities whenever it is practical and is consistent with public safety. All eligible agencies, entities, districts, and organizations are encouraged to participate by using a labor force that can be adequately supervised and for which public service work or related activities are available.

(F) Nothing in this section may be construed to prohibit or otherwise to limit the use of inmate labor by the South Carolina Department of Corrections within its own facilities or on its own property, or by any jail or camp within its own facilities or on its own property. Further, nothing in this section prevents the South Carolina Department of Corrections from escorting and supervising any inmate for a public purpose when the department provides its own security.

ARTICLE 9.

 FURLOUGHS

**SECTION 24‑13‑710.** Implementation of supervised furlough program; guidelines; eligibility criteria.

The Department of Corrections and the Department of Probation, Parole, and Pardon Services shall jointly develop the policies, procedures, guidelines, and cooperative agreement for the implementation of a supervised furlough program which permits carefully screened and selected inmates who have served the mandatory minimum sentence as required by law or have not committed a violent crime as defined in Section 16‑1‑60, a “no parole offense” as defined in Section 24‑13‑100, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of committing or attempting a lewd act upon a child under the age of fourteen as defined in Section 16‑15‑140 to be released on furlough prior to parole eligibility and under the supervision of state probation and parole agents with the privilege of residing in an approved residence and continuing treatment, training, or employment in the community until parole eligibility or expiration of sentence, whichever is earlier. The department and the Department of Probation, Parole, and Pardon Services shall assess a fee sufficient to cover the cost of the participant’s supervision and any other financial obligations incurred because of his participation in the supervised furlough program as provided by this article. The two departments shall jointly develop and approve written guidelines for the program to include, but not be limited to, the selection criteria and process, requirements for supervision, conditions for participation, and removal. The cooperative agreement between the two departments shall specify the responsibilities and authority for implementing and operating the program. Inmates approved and placed on the program must be under the supervision of agents of the Department of Probation, Parole, and Pardon Services who are responsible for ensuring the inmate’s compliance with the rules, regulations, and conditions of the program as well as monitoring the inmate’s employment and participation in any of the prescribed and authorized community‑based correctional programs such as vocational rehabilitation, technical education, and alcohol/drug treatment. Eligibility criteria for the program include, but are not limited to, all of the following requirements:

(1) maintain a clear disciplinary record for at least six months prior to consideration for placement on the program;

(2) demonstrate to Department of Corrections’ officials a general desire to become a law‑abiding member of society;

(3) satisfy any other reasonable requirements imposed upon him by the Department of Corrections;

(4) have an identifiable need for and willingness to participate in authorized community‑based programs and rehabilitative services;

(5) have been committed to the State Department of Corrections with a total sentence of five years or less as the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more. The Department of Corrections shall notify victims pursuant to Article 15, Chapter 3, Title 16 as well as the sheriff’s office of the place to be released before releasing inmates through any supervised furlough program.

These requirements do not apply to the crimes referred to in this section.

**SECTION 24‑13‑720.** Inmates who may be placed with program.

Unless sentenced to life imprisonment, an inmate under the jurisdiction or control of the Department of Corrections who has not been convicted of a violent crime under the provisions of Section 16‑1‑60 or a “no parole offense” as defined in Section 24‑13‑100 may, within six months of the expiration of his sentence, be placed with the program provided for in Section 24‑13‑710 and is subject to every rule, regulation, and condition of the program. No inmate otherwise eligible under the provisions of this section for placement with the program may be so placed unless he has qualified under the selection criteria and process authorized by the provisions of Section 24‑13‑710. He must also have maintained a clear disciplinary record for at least six months prior to eligibility for placement with the program.

**SECTION 24‑13‑730.** Implementation of new programs and program changes subject to appropriations by General Assembly.

Any new program established under Sections 14‑1‑210, 14‑1‑220, 14‑1‑230, 16‑1‑60, 16‑1‑70, 16‑3‑20, 16‑3‑26, 16‑3‑28, 16‑23‑490, 17‑25‑45, 17‑25‑70, 17‑25‑90, 17‑25‑140, 17‑25‑145, 17‑25‑150, 17‑25‑160, 63‑3‑620, 24‑3‑40, 24‑3‑1120, 24‑3‑1130, 24‑3‑1140, 24‑3‑1160, 14‑3‑1170, 24‑3‑1190, 24‑3‑2020, 24‑3‑2030, 24‑3‑2060, 24‑13‑210, 24‑13‑230, 24‑13‑610, 24‑13‑640, 24‑13‑650, 24‑13‑710, 24‑13‑910, 24‑13‑915, 24‑13‑920, 24‑13‑930, 24‑13‑940, 24‑13‑950, 24‑21‑13, 24‑21‑430, 24‑21‑475, 24‑21‑480, 24‑21‑485, 24‑21‑610, 24‑21‑640, 24‑21‑645, 24‑21‑650, 24‑23‑115, and 42‑1‑505 or any change in any existing program may only be implemented to the extent that appropriations for such programs have been authorized by the General Assembly.

ARTICLE 11.

 WORK/PUNISHMENT PROGRAM FOR INMATES CONFINED IN LOCAL CORRECTIONAL FACILITIES

**SECTION 24‑13‑910.** Administration of work/punishment programs; eligible offenders.

Beginning January 1, 1988, local governing bodies may establish regulations consistent with regulations of the Department of Corrections, and administer a program under which a person convicted of an offense against this State or other local jurisdiction and confined in local correctional facilities, or punished for contempt of court in violation of Section 63‑3‑620 and confined in a local correctional facility may, upon sentencing, and while continuing to be confined in the facility at all times other than when the prisoner is either seeking employment, working, attending his education, or traveling to or from the work or education location, be allowed to seek work and to work at paid employment in the community, be assigned to public works employment, or continue his education. Each governing body shall designate the sheriff or another official as the official in charge. A person sentenced under these provisions is eligible for programs under this article except that a person punished for a violation of Section 63‑3‑620 is eligible for these programs only upon a finding by the sentencing judge that he is eligible.

**SECTION 24‑13‑915.** Meaning of “local correctional facility”.

Wherever in the Code of Laws of South Carolina, 1976, reference is made to a local correctional facility, it shall mean a county or municipal correctional facility.

**SECTION 24‑13‑920.** Removal of inmate from program for violation of program regulations.

If the inmate participating in the work/punishment program violates the regulations of the program relating to conduct or employment, as established by the local governing body, pursuant to Section 24‑13‑950, the inmate may be removed from the program on the direction of the official designated in charge by the local governing body.

**SECTION 24‑13‑930.** Surrender of inmates’ earnings; amounts deductible.

The earnings of each inmate participating in the work/punishment program, less payroll deductions required by law, must be collected by or surrendered to the official administering the program or his authorized representative. From these earnings, the official may deduct in the following order:

(a) any amount the inmate may be legally obligated to pay, or that the inmate desires to pay, for the support of the inmate’s dependents;

(b) any amount the inmate may be legally obligated to pay in restitution to the victim of his offense;

(c) not less than five dollars nor more than ten dollars per workday to offset the cost to the local facility providing food, lodging, supervision, clothing, and care to the inmate. Any remaining amount of the inmate’s earnings must be credited to the inmate’s earnings account to be disbursed to the inmate upon release or to be disposed of according to applicable regulations of the local correctional facility.

**SECTION 24‑13‑940.** Contracts for service of sentences in custody of Department of Corrections or of other local correctional facilities.

The official administering the work/punishment program may contract with the South Carolina Department of Corrections or with other governmental bodies to allow inmates committed to serve sentences in the custody of the department or in other local correctional facilities to participate in the program and be confined in the local correctional institution of the receiving official.

**SECTION 24‑13‑950.** Standards for operation of local inmate work programs.

The Department of Corrections shall, by January 1, 1987, develop standards for the operation of local inmate work programs. These standards must be included in the minimum standards for local detention facilities in South Carolina, established pursuant to Section 24‑9‑20, and the Department of Corrections shall monitor and enforce the standards established. The standards must be established to govern three types of local programs:

(1) voluntary work programs established pursuant to Section 24‑13‑235; and

(2) local work/punishment programs established pursuant to this article. The work/punishment standards shall include, but are not limited to, provisions insuring that rates of pay and general conditions of employment are not less than those provided to workers in the general public performing work of a similar nature in the same community, and provisions establishing reasonable criteria for the selection, humane treatment, and dismissal of inmates in local work/punishment programs; and

(3) local public work programs pursuant to Section 17‑25‑70.

ARTICLE 13.

 SHOCK INCARCERATION PROGRAM

**SECTION 24‑13‑1310.** Definitions.

As used in this article:

(1) “Eligible inmate” means a person committed to the South Carolina Department of Corrections:

(a) who has not reached the age of thirty years at the time of admission to the department;

(b) who is eligible for release on parole in two years or less;

(c) who has not been convicted of a violent crime as defined in Section 16‑1‑60 or a “no parole offense” as defined in Section 24‑13‑100;

(d) who has not been incarcerated previously in a state correctional facility or has not served a sentence previously in a shock incarceration program;

(e) who physically is able to participate in the program.

(2) “Shock incarceration program” means a program pursuant to which eligible inmates are ordered by the court to participate in the program and serve ninety days in an incarceration facility, which provides rigorous physical activity, intensive regimentation, and discipline and rehabilitation therapy and programming.

(3) “Director” means the Director of the Department of Corrections.

**SECTION 24‑13‑1320.** Regulations; reports.

(A) The director of the department, guided by consideration for the safety of the community and the welfare of the inmate, shall promulgate regulations, according to procedures set forth in the Administrative Procedures Act, for the shock incarceration program. The regulations must reflect the purpose of the program and include, but are not limited to, selection criteria, inmate discipline, programming and supervision, and program structure and administration.

(B) A program may be established only at an institution classified by the director as a shock incarceration facility.

(C) The department shall undertake studies and prepare reports periodically on the impact of a program and on whether the programmatic objectives are met

**SECTION 24‑13‑1330.** Court ordered participation; department evaluation and notification of unsuitability; inmate’s agreement to terms and conditions; effect of completion; participation is a privilege.

(A) A court may order that an “eligible inmate” be sentenced to the “Shock Incarceration Program”. If an “eligible inmate” is sentenced to the “Shock Incarceration Program” he must be transferred to the custody of the department for evaluation.

(B) The department must evaluate the inmate to determine whether the inmate is physically, psychologically, and emotionally able to participate in this program.

(C) The director shall notify the court within fifteen working days if the inmate is physically, psychologically, or emotionally unsuitable for participation in the “Shock Incarceration Program”. An unsuitable inmate must be returned to court for sentencing to another term as provided by law.

(D) An applicant may not participate in a program unless he agrees to be bound by all of its terms and conditions and indicates this agreement by signing the following:

“I accept the foregoing program and agree to be bound by its terms and conditions. I understand that my participation in the program is a privilege that may be revoked at the sole discretion of the director. I understand that I shall complete the entire program successfully to obtain a certificate of earned eligibility upon the completion of the program, and if I do not complete the program successfully, for any reason, I will be transferred to a nonshock incarceration correctional facility to continue service of my sentence”.

(E) An inmate who has completed a shock incarceration program successfully is eligible to receive a certificate of earned eligibility and must be granted parole release.

(F) Participation in a shock incarceration program is a privilege. Nothing contained in this article confers upon an inmate the right to participate or continue to participate in a program.

ARTICLE 15.

 HOME DETENTION ACT

**SECTION 24‑13‑1510.** Short title.

This article is known and may be cited as the “Home Detention Act”.

**SECTION 24‑13‑1520.** Definitions.

As used in this article:

(1) “Department” means, in the case of a juvenile offender, the Department of Juvenile Justice and, in the case of an adult offender, the Department of Probation, Parole and Pardon Services, the Department of Corrections, and any other law enforcement agency created by law.

(2) “Court” means a circuit, family, magistrate’s, or municipal court having criminal or juvenile jurisdiction to sentence an individual to incarceration for a violation of law, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Corrections.

(3) “Approved electronic monitoring device” means a device approved by the department which is primarily intended to record and transmit information as to the defendant’s presence or nonpresence in the home.

An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender’s activities while inside the offender’s home. These devices are subject to the required consent as set forth in Section 24‑13‑1550.

An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant, solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(4) “Home detention” means the confinement of a person convicted or charged with a crime to his place of residence under the terms and conditions established by the department.

(5) “Participant” means an inmate/offender placed into an electronic monitoring program or into some other suitable program which provides supervision and/or monitoring in the community.

**SECTION 24‑13‑1530.** Home detention programs as alternative to incarceration; correctional programs for which it may be substituted; local programs.

(A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders as selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

(1) pretrial or preadjudicatory detention;

(2) probation (intensive supervision);

(3) community corrections (diversion);

(4) parole (early release);

(5) work release;

(6) institutional furlough;

(7) jail diversion; or

(8) shock incarceration.

(B) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24‑9‑20 and enforced pursuant to Section 24‑9‑30.

**SECTION 24‑13‑1540.** Promulgation of regulations; approved absences from home.

If a department desires to implement a home detention program it must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate. These regulations must require that the participant remain within the interior premises or within the property boundaries of his residence at all times during the hours designated by the department. Approved absences from the home for a participant may include:

(1) hours in employment approved by the department or traveling to or from approved employment;

(2) time seeking employment approved for the participant by the department;

(3) medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the department;

(4) attendance at an educational institution or a program approved for the participant by the department;

(5) attendance at a regularly scheduled religious service at a place of worship; or

(6) participation in a community work release or community service program approved by the department.

**SECTION 24‑13‑1550.** Verification.

The participant shall admit a person or agent designated by the department into his residence at any time for purposes of verifying the participant’s compliance with the conditions of his detention.

The participant shall make the necessary arrangements to allow for a person designated by the department to visit the participant’s place of education or employment at any time, upon approval of the educational institution or employer, for the purpose of verifying the participant’s compliance with the conditions of his detention.

**SECTION 24‑13‑1560.** Use of electronic monitoring device.

The participant shall use an approved electronic monitoring device if instructed by the department at all times to verify his compliance with the conditions of his detention and shall maintain a monitoring device in his home or on his person.

**SECTION 24‑13‑1570.** Approval required for change in residence or schedule; notice that violation of detention is a crime; revocation; input of victim regarding eligibility for home detention.

(A) The participant shall obtain approval from the department before he changes his residence or the schedule described in Section 24‑13‑1540.

(B) Notice must be given to the participant by the department that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that commission of another crime revokes the order for home detention, and that if there is a violation or commission, the court shall sentence him to imprisonment.

(C) The participant shall abide by other conditions set by the department.

(D) The victim of the participant’s crime, or his immediate family, must be provided the opportunity of oral or written input and comment to the department or court, or both, regarding the participant’s home detention sentence.

**SECTION 24‑13‑1580.** Necessity of written consent to electronic home detention; other residents’ knowledge.

Before entering an order for commitment for electronic home detention, the court shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by:

(1) securing the written consent of the participant in the program to comply with the regulations of the program as stipulated in Section 24‑13‑1540 and the requirements of this article;

(2) securing, upon request of the department, the written consent of other adult persons residing in the home of the participant at the time an order or commitment for electronic home detention is entered and acknowledgment that they understand the nature and extent of approved electronic monitoring devices; and

(3) insuring that the approved electronic devices are minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with Sections 24‑13‑1550 and 24‑13‑1560.

**SECTION 24‑13‑1590.** Article not applicable to certain controlled substance offenders; probation and parole authority not diminished.

Nothing in this article:

(1) applies to a person, regardless of age, who violates, or is awaiting trial on charges of violating, the illicit narcotic drugs and controlled substances laws of this State which are classified as Class A, B, or C felonies or which are classified as an exempt offense by Section 16‑1‑10(D) and provide for a maximum term of imprisonment of twenty years or more; or

(2) diminishes the lawful authority of the courts of this State, the Department of Juvenile Justice, or the Department of Probation, Parole, and Pardon Services to regulate or impose conditions for probation, parole, or community supervision.

ARTICLE 19.

 THE CENTER FOR ALCOHOL AND DRUG REHABILITATION

**SECTION 24‑13‑1910.** Centers for alcohol and drug rehabilitation established; construction and operation of, and responsibility for centers.

There is established one or more centers for alcohol and drug rehabilitation under the jurisdiction of the Department of Corrections to treat and rehabilitate alcohol and drug offenders. The Department of Alcohol and Other Drug Abuse Services has primary responsibility for the addictions treatment of the offenders, and the Department of Corrections has primary responsibility for the maintenance and security of the offenders. The Department of Corrections may construct one or more centers upon the necessary appropriation of funds by the General Assembly. The centers established or constructed as authorized by this section shall provide at least seven hundred fifty beds. The centers established under this section must be fully operational by January 1, 1997.

**SECTION 24‑13‑1920.** Program for alcohol and drug abuse intervention, prevention, and treatment services; funding.

The Department of Alcohol and Other Drug Abuse Services shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for offenders sentenced to a center for alcohol and drug rehabilitation established pursuant to Section 24‑13‑1910. The Department of Alcohol and Other Drug Abuse Services shall provide staff and support necessary to administer the program. Funds for this program must be appropriated annually by the General Assembly.

**SECTION 24‑13‑1930.** Placement of certain offenders in center; report of availability of bed space.

A judge may suspend a sentence for a defendant convicted of a drug or alcohol offense for which imprisonment of more than ninety days may be imposed or as a revocation of probation and may place the offender in a center for alcohol and drug rehabilitation. The Department of Corrections, on the first day of each month, shall present to the general sessions court a report detailing the availability of bed space in the center for alcohol and drug rehabilitation.

**SECTION 24‑13‑1940.** Development of rules and regulations for operation of centers; funding and lease of building.

For the Department of Corrections to establish and maintain a center for alcohol and drug rehabilitation, its director shall coordinate with the Department of Alcohol & Other Drug Abuse Services to:

(1) develop policies and procedures for the operation of the center for alcohol and drug rehabilitation;

(2) fund other management options advantageous to the State including, but not limited to, contracting with public or nonpublic entities for the management of a center for alcohol and drug rehabilitation;

(3) lease buildings;

(4) develop standards for alcohol and drug abuse counseling for offenders sentenced to a center for alcohol and drug rehabilitation;

(5) develop standards for disciplinary rules to be imposed on residents of a center for alcohol and drug rehabilitation.

**SECTION 24‑13‑1950.** Probation after release from center; revocation of suspended sentence; gender not grounds for ineligibility for program.

Upon release from a center for alcohol and drug rehabilitation, the offender must be placed on probation for a term as ordered by the court. Failure to comply with program requirements may result in a request to the court to revoke the suspended sentence. No person is ineligible for this program by reason of gender.

ARTICLE 20.

 OFFENDER EMPLOYMENT PREPARATION PROGRAM

**SECTION 24‑13‑2110.** Preparation of inmates for employment.

To aid incarcerated individuals with reentry into their home communities of this State, the South Carolina Department of Corrections shall assist inmates in preparing for meaningful employment upon release from confinement. The South Carolina Department of Corrections shall coordinate efforts in this matter with the Employment Security Commission, Department of Probation, Parole and Pardon Services, the Department of Vocational Rehabilitation, Alston Wilkes Society, and other private sector entities.

**SECTION 24‑13‑2120.** Coordination of agencies.

The Department of Corrections, Probation, Parole and Pardon Services, the Department of Vocational Rehabilitation, the Employment Security Commission, and the Alston Wilkes Society shall adopt a memorandum of understanding that establishes the respective responsibilities of each agency. Each agency shall adopt policies and procedures as may be necessary to implement the memorandum of understanding.

**SECTION 24‑13‑2130.** Memorandum of understanding to establish role of each agency.

The memorandum of understanding between the South Carolina Department of Corrections, Probation, Parole and Pardon Services, the Department of Vocational Rehabilitation, Employment Security Commission, Alston Wilkes Society, and other private sector entities shall establish the role of each agency in:

(1) ascertaining an inmate’s opportunities for employment after release from confinement and providing him with vocational and academic education and life skills assessments as may be appropriate;

(2) developing skills enhancement programs for inmates, as appropriate;

(3) coordinating job referrals and related services to inmates prior to release from incarceration;

(4) encouraging participation by inmates in the services offered;

(5) developing and maintaining a statewide network of employment referrals for inmates at the time of their release from incarceration and aiding inmates in the securing of employment;

(6) identifying and facilitating other transitional services within both governmental and private sectors;

(7) surveying employment trends within the State and making proposals to the Department of Corrections regarding potential vocational training activities.

**SECTION 24‑13‑2140.** Coordination by Department of Corrections.

The Department of Corrections shall coordinate the efforts of the affected state agencies through the Program Services Administration. The Department of Corrections shall:

(1) develop such policies and standards as may be necessary for the provision of assessment, training, and referral services;

(2) obtain information from appropriate agencies and organizations affiliated with the services to determine actions that should be undertaken to create or modify these services;

(3) disseminate information about the services throughout the State;

(4) provide information and assistance to other agencies, as may be appropriate or necessary, to carry out the provisions of this chapter;

(5) provide inmates of the Department of Corrections information concerning postrelease job training and employment referral services and information concerning services that may be available from the Department of Alcohol and Other Drug Abuse Services, the Department of Mental Health, and the Office of Veterans Affairs;

(6) prepare an annual report that will be submitted to the directors of each agency that is a party to a memorandum of understanding as provided for in Section 24‑13‑2120;

(7) negotiate with Alston Wilkes Society and private sector entities concerning the delivery of assistance or services to inmates who are transitioning from incarceration to reentering their communities.