

## Session 119 - (2011-2012)

### **S 1321 General Bill, By Malloy, McConnell, Knotts, Ford and Campsen**

**Summary:** Amendment to the Omnibus Crime Reduction and Sentencing Reform Act

A BILL TO AMEND THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010", CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-11-110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22-3-560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22-5-920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS' RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24-19-10, RELATING TO THE DEFINITION OF A "YOUTHFUL OFFENDER", SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16-11-312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE-YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24-21-5 AND SECTION 24-21-100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24-21-280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY-DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44-53-370 AND SECTION 44-53-375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44-53-470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-1-460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON'S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945; AND BY AMENDING SECTION 56-1-460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON'S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

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| <b>03/07/12</b> | <b>Senate</b> | <b>Introduced and read first time (Senate Journal-page 7)</b>                       |
| <b>03/07/12</b> | <b>Senate</b> | <b>Referred to Committee on Judiciary (Senate Journal-page 7)</b>                   |
| <b>03/08/12</b> | <b>Senate</b> | <b>Referred to Subcommittee: Malloy (ch), Ford, Knotts, Campsen</b>                 |
| <b>03/21/12</b> | <b>Senate</b> | <b>Committee report: Favorable Finance (Senate Journal-page 15)</b>                 |
| <b>04/17/12</b> | <b>Senate</b> | <b>Read second time (Senate Journal-page 32)</b>                                    |
| <b>04/17/12</b> | <b>Senate</b> | <b>Roll call Ayes-36 Nays-0 (Senate Journal-page 32)</b>                            |
| <b>04/19/12</b> | <b>Senate</b> | <b>Read third time and sent to House (Senate Journal-page 17)</b>                   |
| <b>04/24/12</b> | <b>House</b>  | <b>Introduced and read first time (House Journal-page 17)</b>                       |
| <b>04/24/12</b> | <b>House</b>  | <b>Referred to Committee on Judiciary (House Journal-page 17)</b>                   |
| <b>05/30/12</b> | <b>House</b>  | <b>Committee report: Favorable with amendment Judiciary (House Journal-page 35)</b> |

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| 06/05/12 | House  | Requests for debate-Rep(s). Bannister, Crawford, Ott, Whipper, Sandifer, Anderson, GR Smith, Battle, Hamilton, Barfield, Hardwick, Weeks, Hixon, Hart, Willis, JR Smith (House Journal-page 97) |
| 06/06/12 | House  | Amended (House Journal-page 72)                                                                                                                                                                 |
| 06/06/12 | House  | Read second time (House Journal-page 72)                                                                                                                                                        |
| 06/06/12 | House  | Roll call Yeas-96 Nays-3 (House Journal-page 76)                                                                                                                                                |
| 06/07/12 | House  | Read third time and returned to Senate with amendments                                                                                                                                          |
| 06/07/12 | Senate | Non-concurrence in House amendment (Senate Journal-page 126)                                                                                                                                    |
| 06/07/12 | Senate | Roll call Ayes-0 Nays-39 (Senate Journal-page 126)                                                                                                                                              |
| 06/07/12 |        | Scrivener's error corrected                                                                                                                                                                     |
| 06/07/12 | House  | House insists upon amendment and conference committee appointed Reps. Bannister, Tallon, and Rutherford (House Journal-page 61)                                                                 |
| 06/07/12 | Senate | Conference committee appointed Campsen, Malloy, and Rose (Senate Journal-page 131)                                                                                                              |