

## Session 118 - (2009-2010)

### **S\*0191 (Rat #0140, Act #0151 of 2010) General Bill, By McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts**

#### **Summary:** Reduction of Recidivism Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010" SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63-19-1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO AN ELIGIBLE INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE. - ratified title

<b>12/17/08</b>	<b>Senate</b>	<b>Prefiled</b>
<b>12/17/08</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary</b>
<b>01/13/09</b>	<b>Senate</b>	<b>Introduced and read first time SJ-158</b>
<b>01/13/09</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-158</b>
<b>01/28/09</b>	<b>Senate</b>	<b>Committee report: Favorable Judiciary SJ-15</b>
<b>02/24/09</b>	<b>Senate</b>	<b>Amended SJ-16</b>
<b>02/24/09</b>	<b>Senate</b>	<b>Read second time SJ-16</b>
<b>02/25/09</b>	<b>Senate</b>	<b>Amended SJ-33</b>
<b>02/26/09</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-6</b>
<b>02/26/09</b>	<b>House</b>	<b>Introduced and read first time HJ-115</b>
<b>02/26/09</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-117</b>

02/04/10 House Committee report: Favorable with amendment Judiciary HJ-5

02/16/10 House Requests for debate-Rep(s). Kelly, Littlejohn, Skelton, Hiott, R Brown, Cole, Parker, Forrester, Millwood, Cato, Wylie, Bedingfield, GR Smith, Sellers, Duncan, MA Pitts, Clyburn, Crawford, and Daning HJ-34

02/17/10 House Debate adjourned until Tuesday, February 23, 2010 HJ-202

02/24/10 House Amended HJ-30

02/24/10 House Read second time HJ-97

02/24/10 House Roll call Yeas-81 Nays-26 HJ-97

02/25/10 House Read third time and returned to Senate with amendments HJ-29

03/23/10 Senate Concurred in House amendment and enrolled SJ-12

03/25/10 Ratified R 140

03/31/10 Vetoed by Governor

04/14/10 Senate Veto overridden by originating body Yeas-36 Nays-7 SJ-104

04/20/10 House Veto sustained Yeas-58 Nays-53 HJ-73

04/20/10 House Debate adjourned on motion to reconsider the vote whereby the Governor's veto was sustained HJ-76

04/21/10 House Debate adjourned on motion to reconsider the vote whereby the Governor's veto was sustained until April 27, 2010 HJ-21

04/27/10 House Debate adjourned on motion to reconsider the vote whereby the Governor's veto was sustained HJ-72

04/28/10 House Veto overridden Yeas-74 Nays-37 HJ-49

05/06/10 Effective date 04/28/10

05/12/10 Act No. 151