

## Session 121 - (2015-2016)

**S\*0003 (Rat #0080, Act #0058 of 2015) General Bill, By L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree**

**Similar (H 3433)**

**Summary:** Criminal Domestic Violence Offenses and Penalties

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "DOMESTIC VIOLENCE REFORM ACT"; TO AMEND SECTION 16-25-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF DOMESTIC VIOLENCE OFFENSES, SO AS TO DEFINE OTHER NECESSARY TERMS; TO AMEND SECTION 16-3-600, AS AMENDED, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO REVISE THE DEFINITION OF "MODERATE BODILY INJURY" TO CONFORM; TO AMEND SECTION 16-25-20, AS AMENDED, RELATING TO DOMESTIC VIOLENCE OFFENSES, SO AS TO RESTRUCTURE THE OFFENSES BY GRADUATING THE PENALTIES INTO DEGREES, DEFINE THE ELEMENTS OF EACH DEGREE, AND PROVIDE A NEW PENALTY STRUCTURE, AMONG OTHER THINGS; TO AMEND SECTION 16-25-65, AS AMENDED, RELATING TO DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO RESTRUCTURE THE OFFENSE, REDEFINE THE ELEMENTS OF THE OFFENSE, AND TO RESTRUCTURE THE PENALTY; TO AMEND SECTION 16-1-60, AS AMENDED, RELATING TO CRIMES DEFINED AS VIOLENT, SO AS TO INCLUDE DOMESTIC VIOLENCE IN THE FIRST DEGREE AS A VIOLENT CRIME; TO AMEND SECTION 17-25-45, AS AMENDED, RELATING TO OFFENSES DEFINED AS "MOST SERIOUS" AND "SERIOUS", SO AS TO ADD THE OFFENSES OF DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE AND DOMESTIC VIOLENCE IN THE FIRST DEGREE TO THE LIST OF "SERIOUS" OFFENSES; TO AMEND SECTION 56-7-10, AS AMENDED, RELATING TO UNIFORM TRAFFIC TICKETS, SO AS TO INCLUDE DOMESTIC VIOLENCE IN THE SECOND AND THIRD DEGREE OFFENSES TO THE LIST OF ADDITIONAL OFFENSES FOR WHICH A UNIFORM TRAFFIC TICKET MAY BE ISSUED; TO AMEND SECTION 16-25-30, RELATING TO POSSESSION OF A FIREARM BY A PERSON CONVICTED OF CERTAIN DOMESTIC VIOLENCE OFFENSES, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR PERSONS CONVICTED OF CERTAIN DOMESTIC VIOLENCE OFFENSES TO SHIP, TRANSPORT, RECEIVE, OR POSSESS A FIREARM OR AMMUNITION UNDER CERTAIN CIRCUMSTANCES AND PROVIDE A TIME FRAME FOR THE RESTORING OF RIGHTS REGARDING SHIPPING, TRANSPORTING, RECEIVING, OR POSSESSING A FIREARM OR AMMUNITION; TO AMEND SECTION 17-15-30 AND SECTION 22-5-510, BOTH AS AMENDED, RELATING TO MATTERS TO BE CONSIDERED WHEN DETERMINING CONDITIONS OF RELEASE ON BOND AND BOND HEARINGS AND INFORMATION TO BE PROVIDED TO THE COURT, RESPECTIVELY, BOTH SO AS TO REQUIRE THE COURT TO CONSIDER IF RELEASE ON BOND WOULD CONSTITUTE AN UNREASONABLE DANGER TO THE COMMUNITY OR AN INDIVIDUAL, TO PROVIDE THAT WHEN A PERSON IS CHARGED WITH A VIOLATION OF CERTAIN DOMESTIC VIOLENCE OFFENSES THAT A BOND HEARING MAY NOT PROCEED WITHOUT THE PERSON'S CRIMINAL RECORD AND INCIDENT REPORT, OR THE PRESENCE OF THE ARRESTING OFFICER, AND TO REQUIRE BOND HEARINGS FOR THESE VIOLATIONS TO BE HELD WITHIN TWENTY-FOUR HOURS AFTER ARREST; TO AMEND SECTION 17-15-10, RELATING TO PERSONS WHO MAY BE RELEASED PENDING TRIAL, SO AS TO REQUIRE THE COURT TO CONSIDER IF RELEASE ON BOND WOULD CONSTITUTE AN UNREASONABLE DANGER TO THE COMMUNITY OR AN INDIVIDUAL; TO AMEND SECTION 16-25-120, AS AMENDED, RELATING TO THE RELEASE OF A PERSON ON BOND WHO IS CHARGED WITH A VIOLENT OFFENSE OR WHEN THE VICTIM IS A HOUSEHOLD MEMBER, SO AS TO PROVIDE THAT THE COURT MUST CONSIDER CERTAIN FACTORS BEFORE RELEASING A PERSON ON BOND; TO AMEND SECTION 17-15-50, RELATING TO AMENDMENT OF AN ORDER RELATING TO BOND, SO AS TO CLARIFY THAT THE COURT WITH JURISDICTION OF THE OFFENSE MAY AMEND THE ORDER AT ANY TIME; TO AMEND SECTION 17-15-55, AS AMENDED, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE FOR THE PURPOSE OF BOND REVOCATION ONLY THAT A SUMMARY COURT HAS CONCURRENT JURISDICTION WITH THE CIRCUIT COURT FOR TEN DAYS FROM THE DATE BOND IS FIRST SET ON A CHARGE BY THE SUMMARY COURT TO DETERMINE IF BOND SHOULD BE REVOKED; TO AMEND SECTION 16-25-70, AS AMENDED, RELATING TO WARRANTLESS ARREST OR SEARCH FOR A DOMESTIC VIOLENCE OFFENSE, SO AS TO REQUIRE THAT THE MANDATED LAW ENFORCEMENT INVESTIGATION OF A DOMESTIC VIOLENCE OFFENSE MUST BE DOCUMENTED ON AN INCIDENT REPORT FORM WHICH MUST BE MAINTAINED BY THE INVESTIGATING AGENCY; TO AMEND SECTION 16-3-1110, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON COMPENSATION OF VICTIMS OF CRIME, SO AS TO INCLUDE MINOR WITNESSES TO A DOMESTIC VIOLENCE OFFENSE IN THE DEFINITION OF "VICTIM"; TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES IN CONSULTATION WITH THE SOUTH CAROLINA VOUCHER PROGRAM TO PROVIDE CERTAIN CHILDCARE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE TO ENCOURAGE PARTICIPATION

IN COURT HEARINGS RELATING TO DOMESTIC VIOLENCE; TO AMEND SECTION 17-22-90, RELATING TO PRETRIAL INTERVENTION PROGRAMS AND AGREEMENTS REQUIRED BY OFFENDERS IN A PROGRAM, SO AS TO REQUIRE THE CIRCUIT SOLICITOR, OR ATTORNEY GENERAL IF APPROPRIATE, TO SELECT AND APPROVE A BATTERER'S TREATMENT PROGRAM FOR USE AS PART OF PRETRIAL INTERVENTION FOR CERTAIN DOMESTIC VIOLENCE OFFENSES; BY ADDING ARTICLE 3 TO CHAPTER 25, TITLE 16 SO AS TO CREATE THE DOMESTIC VIOLENCE ADVISORY COMMITTEE WHOSE PURPOSE IS TO DECREASE THE INCIDENCES OF DOMESTIC VIOLENCE, TO DEFINE NECESSARY TERMS, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO PROVIDE FOR THE DUTIES OF THE COMMITTEE, AND TO EXEMPT CERTAIN MEETINGS AND INFORMATION FROM THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT AND PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO THE INVESTIGATION AND REVIEW OF INCIDENCES OF DOMESTIC VIOLENCE BY THE COMMITTEE; BY ADDING ARTICLE 5 TO CHAPTER 25, TITLE 16 SO AS TO RECODIFY THE PROVISIONS OF SECTION 43-1-260, RELATING TO COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS, WITHIN ARTICLE 5; TO AMEND SECTION 59-32-30, AS AMENDED, RELATING TO SUBJECTS TAUGHT IN THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO ADD THE SUBJECT OF DOMESTIC VIOLENCE BEGINNING WITH THE 2016-2017 SCHOOL YEAR; TO REPEAL SECTION 43-1-260 RELATING TO COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS; BY ADDING ARTICLE 18 TO CHAPTER 3, TITLE 16 SO AS TO CREATE PROVISIONS REGARDING PERMANENT RESTRAINING ORDERS, TO DEFINE NECESSARY TERMS, TO PROVIDE PROCEDURES FOR OBTAINING PERMANENT RESTRAINING ORDERS AND EMERGENCY RESTRAINING ORDERS; AND TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO INCLUDE FIRST OFFENSE CONVICTIONS FOR DOMESTIC VIOLENCE IN THE THIRD DEGREE IN THE PURVIEW OF THE STATUTE AFTER FIVE YEARS FROM THE DATE OF CONVICTION. - ratified title

<b>12/03/14</b>	<b>Senate</b>	<b>Prefiled</b>
<b>12/03/14</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary</b>
<b>01/13/15</b>	<b>Senate</b>	<b>Introduced and read first time (Senate Journal-page 33)</b>
<b>01/13/15</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary (Senate Journal-page 33)</b>
<b>01/15/15</b>	<b>Senate</b>	<b>Referred to Subcommittee: Hembree (ch), Allen, McElveen, Shealy, Turner</b>
<b>01/22/15</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary (Senate Journal-page 4)</b>
<b>01/23/15</b>		<b>Scrivener's error corrected</b>
<b>02/17/15</b>	<b>Senate</b>	<b>Debate interrupted (Senate Journal-page 13)</b>
<b>02/18/15</b>	<b>Senate</b>	<b>Committee Amendment Amended and Adopted (Senate Journal-page 21)</b>
<b>02/18/15</b>	<b>Senate</b>	<b>Debate interrupted (Senate Journal-page 21)</b>
<b>02/19/15</b>	<b>Senate</b>	<b>Debate interrupted (Senate Journal-page 20)</b>
<b>02/19/15</b>		<b>Scrivener's error corrected</b>
<b>02/24/15</b>	<b>Senate</b>	<b>Amended (Senate Journal-page 21)</b>
<b>02/24/15</b>	<b>Senate</b>	<b>Debate interrupted (Senate Journal-page 21)</b>
<b>02/25/15</b>		<b>Scrivener's error corrected</b>
<b>02/25/15</b>	<b>Senate</b>	<b>Amended (Senate Journal-page 35)</b>
<b>02/25/15</b>	<b>Senate</b>	<b>Read second time (Senate Journal-page 35)</b>
<b>02/25/15</b>	<b>Senate</b>	<b>Roll call Ayes-38 Nays-3 (Senate Journal-page 35)</b>
<b>03/03/15</b>	<b>Senate</b>	<b>Read third time and sent to House (Senate Journal-page 8)</b>
<b>03/04/15</b>	<b>House</b>	<b>Introduced and read first time (House Journal-page 6)</b>
<b>03/04/15</b>	<b>House</b>	<b>Referred to Committee on Judiciary (House Journal-page 6)</b>
<b>05/14/15</b>	<b>House</b>	<b>Recalled from Committee on Judiciary (House Journal-page 43)</b>
<b>05/15/15</b>		<b>Scrivener's error corrected</b>
<b>05/20/15</b>	<b>House</b>	<b>Amended (House Journal-page 49)</b>
<b>05/20/15</b>	<b>House</b>	<b>Read second time (House Journal-page 49)</b>
<b>05/20/15</b>	<b>House</b>	<b>Roll call Yeas-104 Nays-0 (House Journal-page 93)</b>
<b>05/21/15</b>	<b>House</b>	<b>Read third time and returned to Senate with amendments (House Journal-page 11)</b>
<b>05/26/15</b>	<b>Senate</b>	<b>House amendment amended (Senate Journal-page 26)</b>
<b>05/26/15</b>	<b>Senate</b>	<b>Roll call Ayes-44 Nays-0 (Senate Journal-page 26)</b>
<b>05/26/15</b>	<b>Senate</b>	<b>Returned to House with amendments (Senate Journal-page 26)</b>
<b>05/28/15</b>	<b>House</b>	<b>Concurred in Senate amendment and enrolled (House Journal-page 100)</b>
<b>05/28/15</b>	<b>House</b>	<b>Roll call Yeas-81 Nays-23 (House Journal-page 102)</b>

06/02/15

06/04/15

06/11/15

06/12/15

Ratified R 80

Signed By Governor

Effective date 06/04/15

Act No. 58