

## Session 114 - (2001-2002)

### **H 3141 General Bill, By Wilkins, Harrison, Delleney, Sandifer, Whatley, Simrill, Walker, Altman, Knotts and Thompson**

**Summary:** Truth in Sentencing Act, Military Confinement; Crimes and Offenses, Prisoners, Probation, Parole, Pardon; Corrections

A BILL TO AMEND SECTION 16-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CATEGORIZATION OF FELONIES AND MISDEMEANORS, SO AS TO REVISE THE EXEMPT CATEGORY OF CRIMES; TO AMEND SECTION 16-1-20, AS AMENDED, RELATING TO PENALTIES FOR THE VARIOUS CLASSES OF CRIMES, SO AS TO REVISE THE SET OF CRIMES THE MINIMUM TERM OF IMPRISONMENT APPLIES TO; TO AMEND SECTION 16-1-30, AS AMENDED, RELATING TO THE CLASSIFICATION OF OFFENSES, SO AS TO PROVIDE THAT ALL OFFENSES ARE AUTOMATICALLY CLASSIFIED; TO AMEND SECTION 24-3-20, AS AMENDED, RELATING TO CONFINEMENT OF PRISONERS AND WORK RELEASE PROGRAM ELIGIBILITY, SO AS TO SUBSTITUTE CERTAIN CLASSIFIED FELONIES AND EXEMPT OFFENSES FOR THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTION 24-13-125, RELATING TO CONDITIONS A PRISONER MUST MEET TO BECOME ELIGIBLE FOR WORK RELEASE, SO AS TO SUBSTITUTE CERTAIN FELONIES AND EXEMPT OFFENSES FOR THE TERM "NO PAROLE OFFENSES" AND TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN LOCAL CORRECTIONAL FACILITIES; TO AMEND SECTION 24-13-150, RELATING TO CONDITIONS A PRISONER MUST MEET TO BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION, SO AS TO SUBSTITUTE "AN OFFENSE" FOR THE TERM "NO PAROLE OFFENSE" AND TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN LOCAL CORRECTIONAL FACILITIES; TO AMEND SECTION 24-13-210, AS AMENDED, RELATING TO ELIGIBILITY FOR AND FORFEITURE OF GOOD CONDUCT CREDITS, SO AS TO LIMIT THE AMOUNT OF TIME A PRISONER CAN EARN FOR GOOD BEHAVIOR TO THREE DAYS A MONTH AND TO ELIMINATE THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTION 24-13-230, AS AMENDED, RELATING TO ELIGIBILITY FOR EDUCATION CREDITS, SO AS TO LIMIT THE AMOUNT OF TIME A PRISONER CAN EARN FOR PARTICIPATING IN AN EDUCATION PROGRAM TO SIX DAYS A MONTH AND TO ELIMINATE THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTION 24-13-430, RELATING TO RIOTING OR INCITING TO RIOT, SO AS TO REVISE THE PENALTY; TO AMEND SECTION 24-13-650, AS AMENDED, RELATING TO THE PROHIBITION AGAINST THE RELEASE OF AN OFFENDER INTO THE COMMUNITY IN WHICH HE COMMITTED THE CRIME, SO AS TO SUBSTITUTE CERTAIN CLASSIFIED FELONIES AND EXEMPT OFFENSES FOR THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTIONS 24-13-710 AND 24-13-720, BOTH AS AMENDED, RELATING TO THE SUPERVISED FURLOUGH PROGRAM, SO AS TO SUBSTITUTE CERTAIN CLASSIFIED FELONIES AND EXEMPT OFFENSES FOR THE TERM "NO PAROLE OFFENSE" AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-13-1310, AS AMENDED, RELATING TO THE SHOCK INCARCERATION PROGRAM, SO AS TO SUBSTITUTE CERTAIN CLASSIFIED FELONIES AND EXEMPT OFFENSES FOR THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTION 24-21-30, AS AMENDED, RELATING TO PAROLE, SO AS TO ELIMINATE PAROLE FOR A CRIME AND TO PROVIDE THAT CERTAIN OFFENDERS MUST COMPLETE A COMMUNITY SUPERVISION PROGRAM BEFORE HIS DISCHARGE FROM HIS SENTENCE; TO AMEND SECTION 24-21-560, RELATING TO PRISONERS WHO MUST COMPLETE A COMMUNITY SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES BEFORE THEIR RELEASE FROM THE CRIMINAL JUSTICE SYSTEM, SO AS TO REVISE THE OFFENSES THAT REQUIRE AN OFFENDER TO COMPLETE A COMMUNITY SUPERVISION PROGRAM AND TO PROVIDE THAT A JUDGE MAY INCLUDE COMPLETION OF A COMMUNITY SUPERVISION PROGRAM AS A PART OF A SENTENCE FOR CERTAIN CRIMES AND TO SUBSTITUTE CERTAIN CLASSIFIED CRIMES FOR THE TERM "NO PAROLE OFFENSE"; TO AMEND SECTION 24-26-10, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE SOUTH CAROLINA SENTENCING GUIDELINES COMMISSION, SO AS TO CHANGE THE NAME OF THE COMMISSION TO THE SOUTH CAROLINA CRIMINAL JUSTICE COMMISSION, AND REVISE THE COMPOSITION OF THE COMMISSION; TO AMEND SECTION 24-26-20, AS AMENDED, RELATING TO DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA SENTENCING GUIDELINES COMMISSION, SO AS TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION WHOSE NAME HAS BEEN CHANGED TO THE SOUTH CAROLINA CRIMINAL JUSTICE COMMISSION, AND THE CONTENTS OF ITS ANNUAL REPORT; TO AMEND SECTION 24-26-50, AS AMENDED, RELATING TO THE ESTABLISHMENT OF GENERAL POLICIES AND APPROVAL OF ADVISORY GUIDELINES BY THE SENTENCING GUIDELINES COMMISSION, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE COMMISSION'S ADVISORY GUIDELINES MUST BE APPROVED BY THE GENERAL ASSEMBLY; TO REPEAL SECTIONS 2-13-66, 16-1-90, 16-1-100, AND 16-1-110 RELATING TO THE CLASSIFICATION OF FELONIES AND MISDEMEANORS; TO REPEAL SECTION 24-13-100 RELATING TO THE DEFINITION OF "NO PAROLE OFFENSE", TO AMEND TITLE 25, RELATING TO MILITARY, CIVIL DEFENSE, AND VETERANS AFFAIRS, SO AS TO PROVIDE THAT

CERTAIN MILITARY PERSONNEL WHO ARE SENTENCED TO CONFINEMENT SHALL SERVE THE FULL TERM OF THE CONFINEMENT UNDER CERTAIN CIRCUMSTANCES; AND TO PROVIDE A SEVERABILITY CLAUSE, AND THAT ALL PROCEEDINGS PENDING AT THE TIME THIS ACT TAKES EFFECT ARE SAVED AND THAT THE PROVISIONS OF THIS ACT APPLY PROSPECTIVELY.

12/20/00	House	Prefiled
12/20/00	House	Referred to Committee on Judiciary
01/09/01	House	Introduced and read first time HJ-62
01/09/01	House	Referred to Committee on Judiciary HJ-64
02/28/01	House	Committee report: Favorable with amendment Judiciary HJ-85
03/01/01	House	Requests for debate-Rep(s). Fleming, Harrison, R. Smith HJ-15
03/06/01	House	Requests for debate-Rep(s). Scott HJ-20
03/06/01	House	Amended HJ-20
03/06/01	House	Read second time HJ-39
03/07/01	House	Read third time and sent to Senate HJ-15
03/07/01	House	Roll call Yeas-82 Nays-24 HJ-18
03/07/01	Senate	Introduced and read first time SJ-6
03/07/01	Senate	Referred to Committee on Judiciary SJ-6
04/25/01	Senate	Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-28
01/15/02	Senate	Special order SJ-19
01/17/02	Senate	Debate interrupted SJ-22
01/23/02	Senate	Amended SJ-26
01/23/02	Senate	Debate interrupted SJ-26
01/24/02	Senate	Debate interrupted SJ-22
02/05/02	Senate	Read second time SJ-41
02/05/02	Senate	Ordered to third reading with notice of amendments SJ-41
02/05/02	Senate	Debate interrupted SJ-41
02/12/02	Senate	Amended SJ-19
02/12/02	Senate	Debate interrupted SJ-19
02/13/02	Senate	Debate interrupted SJ-30
02/14/02	Senate	Amended SJ-31
02/14/02	Senate	Read third time and returned to House with amendments SJ-31
02/19/02	House	Non-concurrence in Senate amendment HJ-3
02/27/02	Senate	Senate insists upon amendment and conference committee appointed Sens.McConnell, Hutto, Waldrep SJ-13
02/27/02	House	Conference committee appointed Reps. Harrison, F.N. Smith and Delleney HJ-8