**South Carolina General Assembly**

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**S. 29**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Jackson

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Companion/Similar bill(s): 3645

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Summary: School attendance

**HISTORY OF LEGISLATIVE ACTIONS**

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12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Education**

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**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\29_20081210.docx)

**A** **BILL**

TO AMEND SECTION 59‑65‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY SCHOOL ATTENDANCE, SO AS TO PROVIDE THAT A CHILD MUST ATTEND SCHOOL UNTIL HE ATTAINS THE AGE OF EIGHTEEN, GRADUATES FROM HIGH SCHOOL, OR RECEIVES A HIGH SCHOOL EQUIVALENCY DIPLOMA; TO AMEND SECTION 63‑19‑20, RELATING TO DEFINITIONS, SO AS TO DEFINE “CHILD” FOR THE PURPOSES OF TRUANCY; TO AMEND SECTION 63‑19-1030, RELATING TO PREHEARING INQUIRY, SO AS TO INCLUDE TITLES FOR TRUANCY PETITIONS; TO AMEND SECTION 63‑19‑1420, RELATING TO DRIVERS LICENSE SUSPENSION AND RESTRICTION, SO AS TO PROVIDE FOR THE COURT SUSPENSION OR RESTRICTION OF A CHILD’S DRIVERS LICENSE UPON THE FINDING OF VIOLATION OF COURT TRUANCY ORDER; AND TO AMEND SECTION 63‑19‑1440, RELATING TO COMMITMENT TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO PROVIDE FOR THE COMMITMENT OF A CHILD WHO VIOLATES A COURT ORDER TO ATTEND SCHOOL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑65‑10(A) of the 1976 Code is amended to read:

“(A) ~~All parents~~A parent or ~~guardians~~guardian shall cause ~~their children~~his child or ~~wards~~ward to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education or a member school of the South Carolina Independent Schools’ Association or some similar organization, or a parochial, denominational, or church‑related school, or other programs which have been approved by the State Board of Education from the school year in which the child or ward is five years of age before September first until the child or ward attains his ~~seventeenth~~ eighteenth birthday, ~~or~~ graduates from high school, or receives a high school equivalency diploma. A parent or guardian whose child or ward is not six years of age on or before the first day of September of a particular school year may elect for their child or ward not to attend kindergarten. For this purpose, the parent or guardian shall sign a written document making the election with the governing body of the school district in which the parent or guardian resides. The form of this written document must be prescribed by regulation of the Department of Education. Upon the written election being executed, that child or ward may not be required to attend kindergarten.”

SECTION 2. Section 63‑19‑20(1) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(1) ‘Child’ means a person less than seventeen years of age, except for the purposes of truancy. For the purposes of truancy, ‘child’ means a person who is less than eighteen years of age. ‘Child’ does not mean a person sixteen years of age or older who is charged with a Class A, B, C, or D felony as defined in Section 16‑1‑20 or a felony which provides for a maximum term of imprisonment of fifteen years or more. However, a person sixteen years of age who is charged with a Class A, B, C, or D felony as defined in Section 16‑1‑20 or a felony which provides for a maximum term of imprisonment of fifteen years or more may be remanded to the family court for disposition of the charge at the discretion of the solicitor. An additional or accompanying charge associated with the charges contained in this item must be heard by the court with jurisdiction over the offenses contained in this item.”

SECTION 3. Section 63‑19‑1030(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(B) The petition and all subsequent court documents must be entitled:

‘In the Family Court of ‑‑‑ County.

In the Interest of ‑‑‑, a child under seventeen years of age.’

For truancy petitions:

‘In the Family Court of ‑‑‑ County.

In the Interest of ‑‑‑, a child under eighteen years of age.’

The petition must be verified and may be upon information and belief. It shall set forth plainly:

(1) the facts which bring the child within the purview of this article;

(2) the name, age, and residence of the child;

(3) the names and residences of the child’s parents;

(4) the name and residence of a legal guardian, if there is one, of the person or persons having custody of or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of these facts are not known by the petitioner, the petition shall state that.”

SECTION 4. Section 63‑19‑1420(A) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(A) If a child is adjudicated delinquent for a status offense or is found in violation of a court order relating to a status offense, the court may suspend or restrict the child’s driver’s license until the child’s seventeenth birthday. However, if a child is adjudicated delinquent for truancy or is found in violation of a court order relating to a truancy offense, the court may suspend or restrict the child’s driver’s license until the child’s eighteenth birthday.”

SECTION 5. Section 63‑19‑1440(A) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(A) A child, after the child’s twelfth birthday and before the seventeenth birthday or while under the jurisdiction of the family court for disposition of an offense that occurred prior to the child’s seventeenth birthday or for a violation of a court order to attend school that occurred prior to the child’s eighteenth birthday, may be committed to the custody of the Department of Juvenile Justice which shall arrange for placement in a suitable corrective environment. Children under the age of twelve years may be committed only to the custody of the department which shall arrange for placement in a suitable corrective environment other than institutional confinement. No child under the age of seventeen years may be committed or sentenced to any other penal or correctional institution of this State.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor.

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