**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3348**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Clemmons

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Introduced in the House on January 27, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Sex offenders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-27-09.docx)‑18

1/27/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-27-09.docx)‑18

**VERSIONS OF THIS BILL**

[1/27/2009](file:///p:\pprever\2009-10\3348_20090127.docx)

**A** **BILL**

TO AMEND SECTION 23‑3‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AGENCIES PROVIDING THE RESIDENCE OF A SEX OFFENDER TO A SHERIFF WHEN THE OFFENDER IS RELEASED FROM THE AGENCY’S CUSTODY, SO AS TO PROVIDE THAT IF AN OFFENDER IS SCHEDULED TO BE RELEASED ON A FRIDAY OR STATE HOLIDAY, THE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF JUVENILE JUSTICE MUST RETAIN CUSTODY OF THE OFFENDER UNTIL THE FOLLOWING BUSINESS DAY, TO PROVIDE THAT THE SHERIFF IN A COUNTY IN WHICH AN OFFENDER INTENDS TO RESIDE HAS JURISDICTION TO LOCATE AN OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER, TO PROVIDE THAT INFORMATION PLACED ON THE SEX OFFENDER REGISTRY AS A RESULT OF AN OFFENDER’S FAILURE TO REGISTER MUST CONTAIN THE NAME OF THE DEPARTMENT THAT PROVIDED THE INFORMATION AND INDICATE THAT THE OFFENDER FAILED TO REGISTER WITHIN ONE DAY OF HIS RELEASE FROM CUSTODY, AND TO PROVIDE THAT THE SHERIFF OF THE COUNTY OF THE OFFENDER’S INTENDED RESIDENCE MUST VERIFY THAT THE OFFENDER’S ADDRESS IS VALID AND THAT THE OFFENDER INTENDS TO RESIDE THERE; AND TO AMEND SECTION 23‑3‑470, RELATING TO A SEX OFFENDER’S FAILURE TO REGISTER OR PROVIDE INFORMATION REGARDING A CHANGE OF ADDRESS, SCHOOL ATTENDANCE, ENROLLMENT, OR EMPLOYMENT, SO AS TO PROVIDE THAT UPON THE ISSUANCE OF A WARRANT FOR THE ARREST OF AN OFFENDER CHARGED WITH A VIOLATION OF THIS SECTION, THE SHERIFF MUST NOTIFY SLED OF THE PENDING CHARGE AND SLED MUST INDICATE ON THE SEX OFFENDER REGISTRY THAT THE OFFENDER HAS FAILED TO REGISTER AND A WARRANT HAS BEEN ISSUED FOR HIS ARREST.

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

SECTION 1. Section 23‑3‑440 of the 1976 Code is amended to read:

“Section 23‑3‑440. ~~(1)~~(A) Before an offender’s release from the Department of Corrections after completion of the term of imprisonment, from the Department of Juvenile Justice after completion of the term of confinement, or being placed on parole, SLED, based upon information provided by the Department of Corrections, the Department of Juvenile Justice, the Juvenile Parole Board, or the Department of Probation, Parole and Pardon Services, shall notify the sheriff of the county where the offender intends to reside that the offender is being released and has provided an address within the jurisdiction of the sheriff for that county. The Department of Corrections, the Department of Juvenile Justice, the Juvenile Parole Board, and the Department of Probation, Parole and Pardon Services shall provide verbal and written notification to the offender that he must register with the sheriff of the county in which he intends to reside within one business day of his release. If an offender is scheduled to be released on a Friday or a state holiday, the Department of Corrections or the Department of Juvenile Justice must retain custody of the offender until the following business day. Additionally, if the offender fails to register as required by law, the sheriff in the county in which the offender gave an intended residence upon release has jurisdiction to locate the offender or issue a warrant for the offender’s arrest for a violation of Section 23‑3‑470. Further, the Department of Corrections, the Department of Juvenile Justice, and the Juvenile Parole Board shall obtain descriptive information of the offender, including a current photograph prior to release. The offender’s photograph must be provided to SLED before he is released.

~~(2)~~(B) Based upon information provided by the Department of Probation, Parole and Pardon Services, SLED shall notify the sheriff of the county where an offender is residing when the offender is sentenced to probation or is a new resident of the State who must be supervised by the department. The Department of Probation, Parole and Pardon Services also shall provide verbal and written notification to the offender that he must register with the sheriff of the county in which he intends to reside. An offender who is sentenced to probation must register within one business day of sentencing. Further, the Department of Probation, Parole and Pardon Services shall obtain descriptive information of the offender, including a current photograph that is to be updated annually prior to expiration of the probation sentence.

~~(3)~~(C) Based upon information provided by the Department of Juvenile Justice, or the Juvenile Parole Board SLED shall notify the sheriff of the county where an offender is residing when the offender is released from a Department of Juvenile Justice facility or the Juvenile Parole Board, or when the Department of Juvenile Justice or the Juvenile Parole Board is required to supervise the actions of the juvenile. The Department of Juvenile Justice or the Juvenile Parole Board must provide verbal and written notification to the juvenile and his parent, legal guardian, or custodian that the juvenile must register with the sheriff of the county in which the juvenile resides. The juvenile must register within one business day of his release. The parents or legal guardian of a person under seventeen years of age who is required to register under this chapter must ensure that the person has registered.

~~(4)~~(D) The Department of Corrections, the Department of Probation, Parole and Pardon Services, and the Department of Juvenile Justice shall provide to SLED the initial registry information regarding the offender prior to his release from imprisonment or relief of supervision. This information shall be collected in the event the offender fails to register with his county sheriff. If this information is placed on the sex offender registry due to the offender’s failure to register, the registry must clearly indicate that the information was provided by the Department of Corrections, the Department of Juvenile Justice, or the Department of Probation, Parole and Pardon Services. The registry also must indicate clearly that the offender failed to register within one business day of his release from custody.

(E) Upon receipt of information concerning an offender’s intended residence from the Department of Corrections, the Department of Juvenile Justice, or the Department of Probation, Parole and Pardon Services, the sheriff of the county of the offender’s intended residence must verify that the address given is a valid location within the county and must verify with the owner of the residence that the offender intends to reside there.”

SECTION 2. Section 23‑3‑470 of the 1976 Code, as last amended by Act 333 of 2008, is further amended by adding at the end:

“(C) Upon the issuance of a warrant for the arrest of an offender charged with a violation of this section, the sheriff must notify SLED of the pending charge, and SLED must indicate on the sex offender registry that:

(1) the offender has not yet registered with the sheriff in the county where the offender intended to reside; and

(2) the warrant has been issued for the offender’s arrest.”

SECTION 3. This act takes effect upon approval by the Governor.

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