**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4737**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrison

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Introduced in the House on February 7, 2012

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

Summary: Powers of family court in juvenile criminal cases

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2012 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj%20archive\2012\02-07-12.docx))

2/7/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj%20archive\2012\02-07-12.docx))

**VERSIONS OF THIS BILL**

[2/7/2012](file:///p:\pprever\2011-12\4737_20120207.docx)

**A** **BILL**

TO AMEND SECTION 63-19-1410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITIONAL POWERS OF THE FAMILY COURT IN CRIMINAL OFFENSES COMMITTED BY JUVENILES, SO AS TO AUTHORIZE THE FAMILY COURT TO ORDER DEFERRED DISMISSAL AND PLACE A CHILD ON PROBATION IN CERTAIN CASES; TO PROVIDE THAT PROBATION MUST BE FOR A SPECIFIED TIME; TO PROVIDE THAT DEFERRED DISMISSAL IS NOT AN ADJUDICATION; AND TO PROVIDE THAT THE SUCCESSFUL COMPLETION OF THE PROBATION AND ENTRY OF AN ORDER DISMISSING THE PROCEEDINGS SERVE TO LEGALLY REMOVE THE CHILD FROM COMMITTING PERJURY OR MAKING A FALSE STATEMENT FOR FAILING TO RECITE OR ACKNOWLEDGE BEING TAKEN INTO CUSTODY, CHARGED WITH, OR ADJUDICATED DELINQUENT FOR OR HAVING SERVED PROBATION FOR THE OFFENSE.

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

SECTION 1. Section 63‑19‑1410 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“(D) If a child, who previously has not been adjudicated delinquent for a criminal offense, enters a guilty plea or nolo contendere to a crime other than a Class A or B felony or a violent crime, as provided for in Section 16‑1‑60, the court, without entering an adjudication of delinquency and with the consent of the child and his or her attorney, may defer further proceedings and place the child on probation, upon terms and conditions as the court orders. Probation must be for a specified period and may expire before but not on or after the child’s eighteenth birthday. Upon fulfillment of the terms and conditions of probation, the court shall issue an order dismissing the proceedings. The court may order deferred dismissal only one time for a child. A child who has successfully completed the terms and conditions of his or her deferred dismissal and has had an order of dismissal entered must not be viewed thereafter under any provision of law or by any individual or entity to be guilty of perjury or otherwise giving false statement by reason of failing to recite or acknowledge that he or she had been taken into custody for, charged with, adjudicated delinquent for, or placed on probation for this offense in response to any inquiry made of that person for any reason or purpose.”

SECTION 2. This act takes effect upon approval by the Governor.

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