**A** **BILL**

TO AMEND SECTION 17‑22‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS NOT TO BE CONSIDERED FOR A PRETRIAL INTERVENTION PROGRAM, SO AS TO PROVIDE THAT A PERSON MUST NOT BE CONSIDERED FOR INTERVENTION IF THE PERSON HAS BEEN ACCEPTED INTO AN INTERVENTION PROGRAM IN THE PREVIOUS TEN YEARS; TO AMEND SECTION 17‑22‑60, RELATING TO STANDARDS OF ELIGIBILITY FOR PRETRIAL INTERVENTION PROGRAMS, SO AS TO PROVIDE THAT INTERVENTION IS APPROPRIATE ONLY WHERE THE OFFENDER HAS NOT BEEN ACCEPTED IN A PRETRIAL INTERVENTION PROGRAM IN THE PREVIOUS TEN YEARS; AND TO AMEND SECTION 17‑22‑130, RELATING TO REPORTS AND IDENTIFICATION AS TO OFFENDERS ACCEPTED FOR PRETRIAL INTERVENTION PROGRAMS, SO AS TO PROVIDE THAT INFORMATION MAY ONLY BE USED BY SLED AND THE STATE PRETRIAL INTERVENTION PROGRAM COORDINATOR’S OFFICE IN THOSE CASES WHERE A CIRCUIT SOLICITOR INQUIRES AS TO WHETHER A PERSON HAS BEEN ACCEPTED IN A PRETRIAL INTERVENTION PROGRAM IN THE PREVIOUS TEN YEARS.

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

SECTION 1. Section 17‑22‑50 of the 1976 Code is amended to read:

“Section 17‑22‑50. (A) A person must not be considered for intervention if:

(1) ~~he previously~~ the person has been accepted into an intervention program in the previous ten years; or

(2) the person is charged with:

(a) blackmail;

(b) driving under the influence or driving with an unlawful alcohol concentration;

(c) a traffic‑related offense which is punishable only by fine or loss of points;

(d) a fish, game, wildlife, or commercial fishery‑related offense which is punishable by a loss of eighteen points as provided in Section 50‑9‑1020;

(e) a crime of violence as defined in Section 16‑1‑60; or

(f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.”

SECTION 2. Section 17‑22‑60 of the 1976 Code is amended to read:

“Section 17‑22‑60. Intervention is appropriate only where:

(1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program;

(2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process;

(3) it is apparent that the offender poses no threat to the community;

(4) it appears that the offender is unlikely to be involved in further criminal activity;

(5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;

(6) the offender has no significant history of prior delinquency or criminal activity;

(7) the offender has not ~~previously~~ been accepted in a pretrial intervention program in the previous ten years.”

SECTION 3. Section 17‑22‑130 of the 1976 Code is amended to read:

“Section 17‑22‑130. Notwithstanding the provisions of Section 17‑1‑40, in all cases where an offender is accepted for intervention a report must be made and retained on file in the solicitor’s office, regardless of whether or not the offender successfully completes the intervention program. All reports must be retained on file in the solicitor’s office for a period of two years after successful completion, two years after rejection, or two years after unsuccessful completion of the program. After the retention of these reports for two years, they may be destroyed. The circuit solicitor shall furnish to the South Carolina Law Enforcement Division personal identification information on each person who applies for intervention, is subsequently accepted or rejected and successfully or unsuccessfully completes the program. This information may only be used by the division and the State Coordinator’s Office in those cases where a circuit solicitor inquires as to whether a person has ~~previously~~ been accepted in an intervention program in the previous ten years. However, that information may be confidentially released to the State Coordinator’s Office to assist in compiling annual reports. The identification information on any defendant must not be under any circumstances released as public knowledge.”

SECTION 4. This act takes effect upon approval by the Governor.

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