**A** **BILL**

TO AMEND SECTION 16‑25‑20 OF THE 1976 CODE, RELATING TO PENALTIES FOR CRIMINAL DOMESTIC VIOLENCE, TO INCREASE THE PENALTY OF IMPRISONMENT TO NOT MORE THAN ONE YEAR FOR A FIRST OFFENSE, AND TO INCREASE THE PENALTY FOR IMPRISONMENT TO NOT LESS THAN A MANDATORY MINIMUM OF NINETY DAYS NOR MORE THAN THREE YEARS FOR A SECOND OFFENSE, AND TO REMOVE THE OPTION OF ATTENDING A PROGRAM DESIGNED TO TREAT BATTERERS TO REDUCE A SENTENCE FOR A SECOND OFFENSE.

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

SECTION 1. Section 16‑25‑20(B) of the 1976 Code is amended to read:

“(B) Except as otherwise provided in this section, a person who violates the provisions of subsection (A) is guilty of the offense of criminal domestic violence and, upon conviction, must be punished as follows:

(1) for a first offense, the person is guilty of a misdemeanor and must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ~~thirty days~~ one year. The court may suspend the imposition or execution of all or part of the fine conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of Section 16‑25‑20(H), a program designed to treat batterers~~. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, an offense pursuant to the provisions of this subsection must be tried in summary court~~;

(2) for a second offense, the person is guilty of a misdemeanor and must be fined not less than two thousand five hundred dollars nor more than five thousand dollars and imprisoned not less than a mandatory minimum of ~~thirty~~ ninety days nor more than ~~one year~~ three years~~. The court may suspend the imposition or execution of all or part of the sentence, except the thirty‑day mandatory minimum sentence, conditioned upon the offender completing, to the satisfaction of the court, and in accordance with the provisions of Section 16‑25‑20(H), a program designed to treat batterers. If a person is sentenced to a mandatory minimum of thirty days pursuant to the provisions of this subsection, the judge may provide that the sentence be served two days during the week or on weekends until the sentence is completed and is eligible for early release based on credits he is able to earn during the service of his sentence, including, but not limited to, good‑time credits~~;

(3) for a third or subsequent offense, the person is guilty of a felony and must be imprisoned not less than a mandatory minimum of one year but not more than five years.”

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

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