**South Carolina General Assembly**

121st Session, 2015-2016

**H. 5098**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Henegan, King, M.S. McLeod, Hosey, Whipper, Kirby, Gilliard, Dillard, Robinson‑Simpson and Norrell

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Introduced in the House on March 15, 2016

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

Summary: Prisoner's Bill of Rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/15/2016 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\03-15-16.docx))

3/15/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\03-15-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5098&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/15/2016](file:///p:\pprever\2015-16\5098_20160315.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 3, TITLE 24 SO AS TO ENACT A “PRISONER’S BILL OF RIGHTS”, TO PROVIDE THAT THESE RIGHTS ARE TO BE AFFORDED A PRISONER, THAT THESE RIGHTS DO NOT CREATE GROUNDS FOR DISMISSAL OF A CRIMINAL PROCEEDING OR SETTING ASIDE OF A CONVICTION; AND TO DEFINE THE TERM “PRISONER”.

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

SECTION 1. Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Article 11

Prisoner’s Bill of Rights

Section 24‑3‑1010. (A) To preserve and protect a prisoner’s right to justice and due process regardless of race, sex, age, religion, or economic status, a prisoner has a right to:

(1) be free under the Eighth Amendment of the United States Constitution from inhumane treatment or anything that could be considered ‘cruel and unusual’ punishment;

(2) be free from sexual harassment or sex crimes, which include being raped or molested while in custody. This applies to crimes or harassment from both inmates and prison personnel;

(3) complain about prison conditions and to voice their concerns to prison officials and the courts;

(4) reasonable accommodations under the Americans with Disabilities Act to ensure that a disabled prisoner receives the same access to prison facilities as a prisoner who is not disabled;

(5) receive medical care and mental health treatment. These treatments are only required to be ‘adequate’, not the best available or even the standard treatment for those outside of incarceration;

(6) basic First Amendment of the United States Constitution rights, but only to the extent that the exercise of those rights do not interfere with their status as inmates. These rights include, but are not limited to, the right of free speech and religion;

(7) be free from discrimination while imprisoned. This includes, but is not limited to, racial segregation, disparate treatment based on ethnicity or religion, or preferences based on age, among others; and

(8) water and proper nourishment.

(B) For purposes of this section:

(1) a prisoner’s exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence; and

(2) ‘prisoner’ means a person who is confined to a State prison, or local detention facility.”

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

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