

NO. 67

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, MAY 20, 2015
(STATEWIDE SESSION)

Wednesday, May 20, 2015
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Lamentations 2:19: "Pour out your heart like water before the presence of the Lord."

Let us pray. Gracious Lord, give to Your people the will to pour out their hearts as they work together for the good of all people in this State. Make Your presence known as these Representatives discuss and debate those items important for success. Bestow Your blessings upon our leaders who govern us. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER *PRO TEMPORE*.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER *PRO TEMPORE* ordered it confirmed.

MOTION ADOPTED

Rep. LONG moved that when the House adjourns, it adjourn in memory of Franklin "Frankie" Campbell of Fort Mill, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Representative Clyburn.

HOUSE RESOLUTION

The following was introduced:

H. 4198 -- Reps. McCoy, Gilliard, Stavrinakis, Sottile, Rivers, R. L. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, Burns, Chumley, Clary,

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Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR REVEREND DR. BERNARD JOSEPH GADSDEN, SR., UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY YEARS OF EXEMPLARY SERVICE AS PASTOR OF FIRST BAPTIST CHURCH OF JAMES ISLAND, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4199 -- Reps. Murphy, Knight, Horne, Jefferson, Mack, Tinkler and Whipper: A HOUSE RESOLUTION TO SALUTE THE PINWOOD PREPARATORY SCHOOL SPEED AND STRENGTH TEAM OF SUMMERVILLE ON CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4200 -- Reps. Murphy, Horne, Knight, Jefferson, Mack, Tinkler and Whipper: A HOUSE RESOLUTION TO CELEBRATE THE PINWOOD PREPARATORY SCHOOL GIRLS SOCCER TEAM,

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COACHES, AND SCHOOL OFFICIALS FOR THEIR SUPERLATIVE SEASON AND TO CONGRATULATE THEM ON WINNING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4201 -- Reprs. G. A. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE DAVID M. WINKLES, JR., OF SUMTER COUNTY, PRESIDENT OF THE SOUTH CAROLINA FARM BUREAU FEDERATION, UPON THE OCCASION OF HIS RETIREMENT, TO RECOGNIZE AND COMMEND HIS EXCEPTIONAL CONTRIBUTIONS TO THE AGRICULTURAL INDUSTRY OF THE PALMETTO STATE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

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INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 4202 -- Rep. Stringer: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO FURTHER PROVIDE FOR THE QUALIFICATIONS FOR NONCERTIFIED AND CERTIFIED TEACHERS TO TEACH CORE ACADEMIC COURSES IN CHARTER SCHOOLS AND TO PROVIDE THAT NONCERTIFIED TEACHERS MUST UNDERGO THE SAME BACKGROUND CHECKS AS DO CERTIFIED TEACHERS; TO FURTHER PROVIDE FOR ENROLLMENT PREFERENCES THAT MAY BE GIVEN BY PARTICULAR CHARTER SCHOOLS, TO PROVIDE THAT A CHARTER SCHOOL MAY REENROLL HIGH SCHOOL STUDENTS WHO WERE ENROLLED IN THE CHARTER SCHOOL WITHIN THE TWO PREVIOUS SCHOOL YEARS AND WHO PARTICIPATED IN AN ACADEMIC STUDY ABROAD PROGRAM, TO REQUIRE COMPLIANCE WITH APPLICABLE RACIAL COMPOSITION REQUIREMENTS, AND TO REQUIRE APPROVAL BY A CHARTER SCHOOL BOARD OF AN ATTENDANCE ZONE IN WHICH THE CHARTER SCHOOL IS LOCATED BEFORE THE ATTENDANCE ZONE MAY BE IMPLEMENTED; AND TO PERMIT MULTISCHOOL CHARTER CONTRACTS AND MULTICHARTER CONTRACT BOARDS AND THE DUTIES AND FUNCTIONS OF EACH; AND TO CLARIFY THAT THE CHARTER SCHOOL BOARD GOVERNS THE SCHOOL.

Referred to Committee on Education and Public Works

H. 4203 -- Rep. McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-3-320 SO AS CLARIFY THE MEANING OF THE TERM "CONTIGUOUS" WHEN A MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE BORDERS OF A SPECIAL PURPOSE DISTRICT ANNEXES UNINCORPORATED PROPERTY THAT IS

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ALSO LOCATED WITHIN THE SAME SPECIAL PURPOSE DISTRICT AS THE ANNEXING MUNICIPALITY.

Referred to Committee on Judiciary

S. 731 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO BAMBERG-EHRHARDT SCHOOL DISTRICT ONE, SO AS TO REAPPORTION THE FIVE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF BAMBERG-EHRHARDT SCHOOL DISTRICT ONE MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

Referred to Bamberg Delegation

S. 732 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO DENMARK-OLAR SCHOOL DISTRICT TWO IN BAMBERG COUNTY, SO AS TO REAPPORTION THE FIVE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF DENMARK-OLAR SCHOOL DISTRICT NUMBER TWO MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

Referred to Bamberg Delegation

S. 741 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING COMMUNITY RESIDENTIAL CARE FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4484, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Regulations and Administrative Procedures

S. 742 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SHELLFISH, DESIGNATED AS REGULATION DOCUMENT NUMBER 4483,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE 1976 CODE.

Referred to Committee on Regulations and Administrative Procedures

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

| | | |
|------------------|-------------|--------------|
| Allison | Anderson | Anthony |
| Bales | Bamberg | Bernstein |
| Bingham | Bowers | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clary | Clemmons |
| Collins | Corley | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Duckworth | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hardee |
| Hart | Hayes | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Horne | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | Kirby | Knight |
| Long | Lowe | Mack |
| McCoy | McEachern | M. S. McLeod |
| D. C. Moss | V. S. Moss | Murphy |
| Newton | Ott | Parks |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| G. M. Smith | G. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Tinkler |
| Toole | Weeks | Wells |
| Whipper | White | Yow |

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on
Wednesday, May 20.

| | |
|---------------------------|--------------------|
| Todd Atwater | Bruce W. Bannister |
| Jeffrey A. "Jeff" Bradley | Gilda Cobb-Hunter |

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| | |
|-----------------------|------------------------|
| Derham Cole, Jr. | Heather Crawford |
| Shannon Erickson | Laurie Funderburk |
| Dan Hamilton | Phyllis Henderson |
| Patricia M. Henegan | William G. Herbkersman |
| Lonnie Hosey | Leon Howard |
| John R. King | H. B. "Chip" Limehouse |
| Dwight Loftis | James Lucas |
| Cezar McKnight | Walton J. McLeod |
| James Merrill | Harold Mitchell |
| Wendy Nanney | Joseph Neal |
| Ralph Norman | Mandy Powers Norrell |
| Richard "Rick" Quinn | Todd Rutherford |
| Gary Simrill | James E. Smith |
| William "Bill" Taylor | Robert Williams |
| Mark Willis | Terry Alexander |
| William Clyburn | |

Total Present--119

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. WHITMIRE a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. BEDINGFIELD a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. BALLENTINE a leave of absence for the day due to business reasons.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. BRADLEY a temporary leave of absence to attend a Senate subcommittee meeting.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WILLIS a temporary leave of absence.

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STATEMENTS OF ATTENDANCE

Reps. LONG, PITTS and MERRILL signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, May 19.

DOCTOR OF THE DAY

Announcement was made that Dr. Patricia Witherspoon of Columbia was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. HAYES presented to the House the Lake View High School Academic Team, coaches, and other school officials.

SPECIAL PRESENTATION

Rep. BERNSTEIN presented to the House the Richland Northeast High School Model United Nations Team, sponsor, and other school officials.

LEAVE OF ABSENCE

The SPEAKER granted Rep. CLYBURN a leave of absence for the remainder of the day.

CO-SPONSOR ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

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CO-SPONSOR ADDED

Bill Number: H. 3909
Date: ADD:
05/20/15 BOWERS

CO-SPONSORS ADDED

Bill Number: H. 3521
Date: ADD:
05/20/15 BURNS and LOFTIS

RETURNED TO THE SENATE WITH AMENDMENTS

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 590 -- Senators L. Martin and Hutto: A BILL TO AMEND SECTIONS 56-1-400(B) AND 56-5-2941(L), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO PROVIDE THAT THE EMPLOYER'S VEHICLE WAIVER DOES NOT APPLY TO A PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION 56-5-2930, 56-5-2933, 56-5-2945, OR A LAW OF ANOTHER STATE THAT PROHIBITS A PERSON FROM DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS, UNLESS THE PERSON'S DRIVING PRIVILEGES HAVE BEEN SUSPENDED FOR NOT LESS THAN ONE YEAR OR THE PERSON HAS HAD AN IGNITION INTERLOCK DEVICE INSTALLED FOR NOT LESS THAN ONE YEAR ON EACH OF THE MOTOR VEHICLES OWNED OR OPERATED, OR BOTH, BY THE PERSON; AND TO AMEND SECTION 29-5-2990(B), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR A VIOLATION OF SECTION 56-5-2930, 56-5-2933, OR A LAW OF ANOTHER STATE THAT PROHIBITS A PERSON FROM DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS, SO AS TO PROVIDE THAT ENTRY INTO AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM'S SERVICES, IF THE SERVICES ARE NECESSARY, IS A MANDATORY REQUIREMENT FOR THE ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE.

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H. 3878--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill, which was adopted:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

S. 268--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 268 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 14-7-1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF STATE GRAND JURIES, TO AMEND SECTION 14-7-1650, AS AMENDED, RELATING TO THE DUTIES AND OBLIGATIONS OF THE ATTORNEY GENERAL REGARDING THE STATE GRAND JURY SYSTEM, TO AMEND SECTION 14-7-1660, AS AMENDED, RELATING TO THE SELECTION OF GRAND JURORS, TO AMEND SECTION 14-7-1690, AS AMENDED, RELATING TO THE GRAND JURY'S AREAS OF INQUIRY AND RELATED PROCEDURES, TO AMEND SECTION 14-7-1720, AS AMENDED, RELATING TO SECRECY OF GRAND JURY PROCEEDINGS, AND TO AMEND SECTION 14-7-1730, AS AMENDED, RELATING TO JURISDICTION OF PRESIDING JUDGES OF STATE GRAND JURIES, ALL SO AS TO REVISE PROCEDURES REGARDING THE STATE GRAND JURY SYSTEM RELATING TO NOTIFICATION PROCEDURES WHEN A STATE GRAND JURY IS IMPANELED, COMMUNICATIONS BETWEEN THE PRESIDING JUDGE AND THE ATTORNEY GENERAL INCLUDING APPELLATE REVIEW OF A JUDGE'S REFUSAL TO IMPANEL A STATE GRAND JURY, AMONG OTHER THINGS, TO PROVIDE A PROCEDURE WHEN A CONFLICT OF INTEREST ARISES INVOLVING THE ATTORNEY GENERAL RELATED TO THE GRAND JURY PROCESS, TO

[HJ]

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PROVIDE PROCEDURES RELATED TO SECRECY OF CERTAIN GRAND JURY PROCEEDINGS, AND TO MAKE OTHER NECESSARY TECHNICAL CHANGES.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 268 (COUNCIL\BH\268C001.BH.VR15), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 14-7-1650 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

“Section 14-7-1650. (A) The Attorney General or his designee shall attend sessions of a state grand jury and shall serve as its legal advisor. The Attorney General or his designee shall examine witnesses, present evidence, and draft indictments and reports upon the direction of a state grand jury.

(B) In all investigations of the crimes specified in Section 14-7-1630, except in matters where the solicitor(s) or his staff are the subject(s) of such investigation, the Attorney General shall consult with the appropriate solicitor(s) of the jurisdiction(s) where the crime or crimes occurred. After consultation, the Attorney General shall determine whether the investigation should be presented to a county grand jury or whether to ~~petition~~ initiate, under Section 14-7-1630(B), ~~for~~ a state grand jury investigation.

(C) ~~Where it is determined that a conflict of interest disqualifies a solicitor or the Attorney General~~ When the Attorney General determines that he should recuse himself from participation in a state grand jury investigation and prosecution, the following shall apply:

~~(1) in the case of a solicitor, the Attorney General may either refer the matter to a solicitor for investigation and prosecution, or remove himself entirely from any involvement in the case and designate a prosecutor to assume his functions and duties pursuant to this article. When a solicitor determines that he should recuse himself from participation in a state grand jury matter, the Attorney General shall conduct such investigation and prosecution unless the Attorney General and a solicitor not so disqualified concur in the appointment by the Attorney General of the eligible solicitor as a designee of the Attorney General pursuant to Sections 14-7-1650 and 14-7-1750; but the Attorney General, in his discretion, may designate another solicitor or appoint a special prosecutor not subject to a conflict to handle or assist him in the state grand jury investigation as the Attorney General deems appropriate.~~

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~~(2) in the case of the Attorney General's disqualification, the matter shall be referred to a solicitor for investigation and prosecution.~~

~~Any doubt regarding disqualification shall be resolved by the presiding judge of the state grand jury.~~

(D)(1) A hearing on a motion to disqualify the Attorney General or legal advisor for the state grand jury from a state grand jury investigation shall be held in public, however the presiding judge must conduct the hearing in a manner to insure the secrecy and integrity of the investigation. The presiding judge shall protect the identity of the person or persons being investigated to the extent practicable. In order to disqualify the Attorney General or legal advisor for the state grand jury, the presiding judge must find an actual conflict of interest resulting in actual prejudice against the moving party.

(2) An order to disqualify the Attorney General or legal advisor for the state grand jury from a state grand jury investigation, issued prior to the issuance of an indictment or arrest warrant, shall not become effective less than ten days after the date issued and notice is given to the opposing parties unless appealed. If an appeal from the order is made, the state grand jury and the Attorney General or legal advisor for the state grand jury, except as is otherwise ordered by the Supreme Court, shall continue to exercise their powers pending disposition of the appeal. The Supreme Court must handle all appeals from this section in an expedited manner.

(3) The state grand jury may continue with its investigation and the Attorney General or the solicitor or his designee may continue to serve as legal advisor to the state grand jury with all authority, functions, and responsibilities set forth in this article, until the final order becomes effective or upon the issuance of the final order of the Supreme Court if appealed, whichever occurs later." /

Amend the bill further, as and if amended, by deleting SECTION 6 in its entirety and inserting:

/ SECTION 6. Section 14-7-1730 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

“Section 14-7-1730. (A) Except for the prosecution of cases arising from indictments issued by the state grand jury, and subject to the provisions and standards provided in Sections 14-7-1630 and 14-7-1650, the presiding judge has jurisdiction to hear all matters arising from the proceedings of a state grand jury, including, but not limited to, matters relating to the impanelment or removal of state grand jurors, the quashing of subpoenas, the punishment for contempt, and the matter of bail for persons indicted by a state grand jury.

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(B) A person indicted by a state grand jury for a bailable offense must have a bond hearing before the end of the second business day following the day he was arrested in the State of South Carolina for that offense or the day he was delivered within the State of South Carolina following extradition for that offense from another State or jurisdiction, and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility. If the presiding judge or acting presiding judge is not available, the initial bond hearing following arrest for a state grand jury indictment may be conducted by any circuit judge of competent jurisdiction in the county where the grand jury was impaneled. A ‘business day’ pursuant to this subsection is any day in which the county courthouse is open in the county where the grand jury was impaneled.” /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

The amendment was then adopted.

Rep. MURPHY proposed the following Amendment No. 2 to S. 268 (COUNCIL\BBM\268C001.BBM.DG15), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 14-7-1650(D)(1) and inserting:

/ (D)(1) A hearing on a motion to disqualify the Attorney General or legal advisor for the state grand jury from a state grand jury investigation shall be held in public, however the presiding judge must conduct the hearing in a manner to insure the secrecy and integrity of the investigation. The presiding judge shall protect the identity of the person or persons being investigated to the extent practicable. In order to disqualify the Attorney General or legal advisor for the state grand jury, the presiding judge must find an actual conflict of interest resulting in actual prejudice against the moving party. If the Attorney General or legal advisor for the state grand jury or a member of the staff is disqualified then the Attorney General must refer the matter to a Circuit Solicitor for investigation and prosecution. If a Circuit Solicitor or special prosecutor, or member of their staff, is disqualified, the matter must be referred to the Attorney General’s Office for investigation or prosecution. /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. MURPHY explained the amendment.
The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 69; Nays 0

Those who voted in the affirmative are:

| | | |
|--------------|-------------|-------------|
| Allison | Anderson | Anthony |
| Bales | Bamberg | Bannister |
| Bingham | Bowers | Brannon |
| G. A. Brown | Burns | Chumley |
| Clary | Clemmons | Cole |
| Collins | Crosby | Daning |
| Dillard | Douglas | Duckworth |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Goldfinch |
| Henegan | Herbkersman | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Huggins | Jefferson |
| Johnson | Jordan | Kirby |
| Limehouse | Loftis | Lowe |
| Mack | McCoy | McEachern |
| M. S. McLeod | D. C. Moss | V. S. Moss |
| Murphy | Newton | Pitts |
| Pope | Rivers | Sandifer |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Tinkler | Toole | Weeks |
| Wells | Whipper | Yow |

Total--69

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

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LEAVE OF ABSENCE

The SPEAKER granted Rep. FINLAY a temporary leave of absence.

S. 133--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 133 -- Senators Davis and Kimpson: A BILL TO AMEND SECTION 63-19-2050 OF THE 1976 CODE, RELATING TO RECORD DESTRUCTION OF JUVENILE RECORDS, TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS FOR NON-VIOLENT CRIMES THAT OCCUR BEFORE THE AGE OF SIXTEEN YEARS OLD, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC EXPUNGEMENT MAY OCCUR, AND TO PROVIDE FOR AN EXPUNGEMENT PROCESS FOR JUVENILE RECORDS RELATED TO CERTAIN CRIMES THAT OCCUR AT THE AGE OF SIXTEEN OR SEVENTEEN YEARS OLD.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 133 (COUNCIL\BH\133C001.BH.VR15), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 3, by striking Section 63-19-2050(G) and inserting:

/ (G) The judge, at the time of adjudication, shall notify the person of the person's ability to have the person's record expunged, the conditions that must be met, as well as the process for receiving an expungement in the particular jurisdiction pursuant to this section. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS spoke in favor of the amendment.

The amendment was then adopted.

Rep. BANNISTER proposed the following Amendment No. 2 to S. 133 (COUNCIL\MS\133C001.MS.AHB15), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 17-22-910 of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

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“Section 17-22-910.(A) Applications for expungement of all criminal records must be administered by the solicitor’s office in each circuit in the State as authorized pursuant to:

- (1) Section 34-11-90(e), first offense misdemeanor fraudulent check;
- (2) Section 44-53-450(b), conditional discharge;
- (3) Section 22-5-910, first offense conviction in magistrates court;
- (4) Section 22-5-920, youthful offender act;
- (5) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;
- (6) Section 17-22-150(a), pretrial intervention;
- (7) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-950;
- (8) Section ~~20-7-8525~~ 63-19-2050, juvenile expungements;
- (9) Section 17-22-530(a), alcohol education program;
- (10) Section 17-22-330(A), traffic education program; and
- (11) any other statutory authorization.

(B) A person’s eligibility for expungement of an offense contained in this section, or authorized by any other provision of law, must be based on the offense that the person pled guilty to or was convicted of committing and not on an offense for which the person may have been charged.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 59; Nays 22

Those who voted in the affirmative are:

| | | |
|----------|-------------|-------------|
| Anderson | Anthony | Bales |
| Bamberg | Bannister | Bernstein |
| Bingham | Bowers | Bradley |
| Brannon | G. A. Brown | R. L. Brown |
| Clary | Clemmons | Cole |
| Collins | Delleney | Dillard |

[HJ]

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| | | |
|--------------|------------|--------------|
| Douglas | Duckworth | Erickson |
| Felder | Gambrell | Gilliard |
| Goldfinch | Hamilton | Hart |
| Henegan | Hicks | Hodges |
| Huggins | Jefferson | Jordan |
| Knight | Lowe | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | D. C. Moss | Murphy |
| Newton | Ott | Pope |
| Ridgeway | Ryhal | Sandifer |
| G. R. Smith | Southard | Spires |
| Stringer | Tallon | Taylor |
| Tinkler | Weeks | Whipper |
| White | Yow | |

Total--59

Those who voted in the negative are:

| | | |
|-----------|---------|------------|
| Allison | Burns | Chumley |
| Corley | Crosby | Daning |
| Forrester | Gagnon | Hiott |
| Hixon | Kennedy | Limehouse |
| Loftis | Merrill | V. S. Moss |
| Norman | Pitts | Riley |
| Rivers | Sottile | Toole |
| Wells | | |

Total--22

So, the Bill, as amended, was read the second time and ordered to third reading.

S. 78--DEBATE ADJOURNED

The following Bill was taken up:

S. 78 -- Senators Massey and Nicholson: A BILL TO AMEND ARTICLE 1, CHAPTER 59, TITLE 12 OF THE 1976 CODE, RELATING TO FORFEITED LANDS, BY ADDING SECTION 12-59-140, SO AS TO ENACT THE "FORFEITED LANDS EMERGENCY DEVELOPMENT ACT", AND TO PROVIDE FOR THE AUTHORITY OF COUNTY COUNCILS AND FORFEITED

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LAND COMMISSIONS TO PETITION LEGISLATIVE DELEGATIONS FOR THE USE OF THE SPECIAL AUTHORITIES PROVIDED IN THIS ACT.

Rep. HIOTT moved to adjourn debate on the Bill until Wednesday, May 27, which was agreed to.

H. 3909--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3909 -- Reps. Herbkersman, Jefferson, Bernstein, G. A. Brown, Funderburk, Hill, W. J. McLeod, J. E. Smith, Whitmire, Gagnon, Dillard and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "THE BICYCLE AND PEDESTRIAN SAFETY ACT"; BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLES WITH HELPER MOTORS SHALL BE SUBJECT TO ALL THE RIGHTS AND DUTIES OF BICYCLES; TO AMEND SECTION 56-1-1710, RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO MOTORCYCLES OR BICYCLES; TO AMEND SECTION 56-5-990, RELATING TO CERTAIN PEDESTRIAN CONTROL SIGNALS, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO PEDESTRIAN CONTROL SIGNALS THAT EXHIBIT THE SYMBOLS FOR "WALK" OR "WAIT", AND TO PROVIDE THAT FOR PEDESTRIAN CROSSWALKS EQUIPPED WITH COUNTDOWN INDICATORS, A PEDESTRIAN MAY CROSS IF HE CAN COMPLETE THE CROSSING DURING THE REMAINING TIME; TO AMEND SECTION 56-5-3130, RELATING TO A PEDESTRIAN'S RIGHT-OF-WAY IN A CROSSWALK, SO AS TO PROVIDE THAT THE DRIVER OF A VEHICLE SHALL STOP TO YIELD TO A PEDESTRIAN CROSSING A ROADWAY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-3230, RELATING TO A DRIVER'S DUTY TO EXERCISE DUE CARE WHEN OPERATING A VEHICLE, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO A DRIVER'S DUTY TO AVOID COLLIDING WITH AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, A WHEELCHAIR, A FARM TRACTOR, OR A SIMILAR VEHICLE DESIGNED FOR FARM USE, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56-5-3425, RELATING TO THE DEFINITION

[HJ]

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OF THE TERM "BICYCLE LANE" AND OPERATIONS OF MOTOR VEHICLES AND BICYCLES ALONG BICYCLE LANES, SO AS TO REVISE THE DEFINITION OF THE TERM "BICYCLE LANE" AND TO PROVIDE A DEFINITION FOR THE TERM "SUBSTANDARD-WIDTH LANE"; AND TO AMEND SECTION 56-16-10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO PROVIDE A DEFINITION FOR THE TERM "BICYCLES WITH HELPER MOTORS".

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3909 (COUNCIL\SWB\3909C001.SWB.CM15), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. This act may be referred to and cited as "The Bicycle and Pedestrian Safety Act".

SECTION 2. Article 27, Chapter 5, Title 56 of the 1976 Code is amended by adding:

"Section 56-5-3520. Bicycles with helper motors shall be subject to all the rights and duties of bicycles, as described in Section 56-5-3420."

SECTION 3. Section 56-5-990 of the 1976 Code is amended to read:

"Section 56-5-990. (A) Whenever special pedestrian control signals exhibiting the words or symbols for 'Walk' or 'Wait' are in place such signals shall indicate as follows:

(1) 'Walk' indicates that a pedestrian facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles; and

(2) 'Wait' indicates that no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

(B) For pedestrian crosswalks equipped with countdown indicators, a pedestrian may cross if he can complete the crossing during the remaining time shown."

SECTION 4. Section 56-5-3130(a) of the 1976 Code is amended to read:

"(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall ~~yield the right of way, slowing down or~~

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stopping if need be stop to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.”

SECTION 5. Section 56-5-3230 of the 1976 Code is amended to read:

(A) Notwithstanding other provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with ~~any a~~ a pedestrian or any a person propelling a human-powered vehicle, a wheelchair, a farm tractor or a similar vehicle designed primarily for farm use, and shall give an audible signal when necessary ~~and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.~~

(B) A driver who fails to exercise due care and causes serious physical injury or death to such person shall be guilty of a misdemeanor.

(C) A person found to have committed an offense under this section shall be required to:

(1) have his or her driving privileges suspended for a period of no less than six months; and one or more of the following:

(2) pay a monetary penalty of not more than two thousand dollars; or

(3) serve a period of incarceration which may not exceed thirty days; or

(4) participate in a motor vehicle accident prevention course; or

(5) perform community service for a number of hours to be determined by the court, which may not exceed two hundred hours.”

SECTION 6. Section 56-5-3425(A) of the 1976 Code, as added by Act 317 of 2008, is amended to read:

(A) For purposes of this section, ‘bicycle lane’ means a portion of the roadway or a paved lane separated from the roadway that has been designated ~~by striping, pavement markings, and signage~~ for the preferential or exclusive use of by bicyclists by pavement markings or signs which are used exclusively for the designation of bicycle facilities.”

SECTION 7. Section 56-1-10 of the 1976 Code is amended by adding the following appropriately lettered subsection:

“() ‘Bicycles with helper motors’ and ‘electric-assist bicycles’ mean low speed electrically -assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, whose maximum speed on a paved level

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surface, when powered solely by such motor while ridden by an operator weighing one hundred seventy pounds, is no more than twenty miles per hour. For these vehicles to be considered electrically-assisted bicycles, they must meet the requirement of the Federal Motor Vehicle Safety Standards as set forth in 49 C.F.R. Section 571, et seq., and must operate in a manner that the electric motor disengages or ceases to function when their brakes are applied. Notwithstanding another provision of law, bicycles with helper motors are not mopeds.”

SECTION 8. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 9. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. DANING explained the amendment.
The amendment was then adopted.

Rep. FELDER proposed the following Amendment No. 2 to H. 3909 (COUNCIL\SWB\3909C002.SWB.CM15), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 and inserting:

/SECTION 1. This act may be referred to and cited as “The Dylan Paul Mitchell Bicycle and Pedestrian Safety Act”. /
Renumber sections to conform.
Amend title to conform.

Rep. FELDER explained the amendment.
The amendment was then adopted.

The question then recurred to the passage of the Bill.

[HJ]

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The yeas and nays were taken resulting as follows:

Yeas 88; Nays 1

Those who voted in the affirmative are:

| | | |
|--------------|-------------|--------------|
| Allison | Anderson | Anthony |
| Bales | Bamberg | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clary | Clemmons | Cole |
| Corley | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Felder |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hart | Henegan | Herbkersman |
| Hicks | Hill | Hiott |
| Hixon | Hodges | Howard |
| Huggins | Jefferson | Johnson |
| Jordan | Kirby | Knight |
| Limehouse | Long | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Newton |
| Norman | Ott | Parks |
| Pitts | Pope | Ridgeway |
| Rivers | Ryhal | Sandifer |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Tinkler | Toole | Weeks |
| Wells | Whipper | White |
| Yow | | |

Total--88

Those who voted in the negative are:

Loftis

Total--1

[HJ]

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So, the Bill, as amended, was read the second time and ordered to third reading.

S. 261--DEBATE ADJOURNED

The following Bill was taken up:

S. 261 -- Senator Thurmond: A BILL TO AMEND SECTION 59-111-320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE-SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL-TIME EMPLOYEES MUST PAY TUITION.

Rep. HIOTT moved to adjourn debate on the Bill until Wednesday, May 27, which was agreed to.

H. 4084--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4084 -- Rep. Stringer: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE A SCHOOL LEADER TO BE HIRED TO ASSIST WITH THE DAILY OPERATION OF THE SCHOOL, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF THE CHARTER SCHOOL ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC EMPLOYEES, AND TO REQUIRE A STATEMENT OF COMPLIANCE ASSURANCE TO BE FILED ANNUALLY WITH THE SCHOOL'S SPONSOR AND THE STATE DEPARTMENT OF EDUCATION.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4084 (COUNCIL\AGM\4084C001.AGM.AB15), which was adopted:

[HJ]

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Amend the bill, as and if amended, Section 59-40-50(B)(11), as contained in SECTION 1.B., by deleting the item in its entirety and inserting:

/ “(11) be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, employees of the charter school board are considered public employees. The charter contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school.” /

Renumber sections to conform.

Amend title to conform.

Rep. STRINGER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

| | | |
|-------------|-------------|----------------|
| Allison | Anderson | Anthony |
| Bales | Bamberg | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clary | Clemmons | Cole |
| Collins | Corley | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Felder | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hart |
| Henegan | Herbkersman | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Huggins | Jefferson |
| Johnson | Jordan | Kennedy |
| Kirby | Knight | Limehouse |
| Loftis | Long | Mack |
| McCoy | McEachern | M. S. McLeod |

[HJ]

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| | | |
|--------------|------------------|-------------|
| W. J. McLeod | D. C. Moss | V. S. Moss |
| Murphy | Newton | Norrell |
| Ott | Parks | Pitts |
| Pope | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sandifer | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Tinkler | Toole |
| Weeks | Wells | Whipper |
| White | Yow | |

Total--92

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

RECURRENCE TO THE MORNING HOUR

Rep. FORRESTER moved that the House recur to the morning hour, which was agreed to.

REPORTS OF STANDING COMMITTEES

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 413 -- Senators Cleary, Leatherman, Bryant, Johnson, Campbell, Peeler, Fair and Shealy: A BILL TO AMEND SECTION 40-43-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER INFLUENZA VACCINES AND CERTAIN MEDICATIONS, SO AS TO PROVIDE A PROCEDURE FOR CREATING PROTOCOL THROUGH WHICH PHARMACISTS MAY ADMINISTER CERTAIN VACCINES WITHOUT A WRITTEN ORDER OR PRESCRIPTION FROM A PRACTITIONER, TO PROVIDE CIRCUMSTANCES IN WHICH A

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PHARMACY INTERN MAY ADMINISTER VACCINATIONS, TO REVISE RECORDKEEPING REQUIREMENTS TO EXTEND THE PERIOD FOR MAINTAINING RECORDS AND SPECIFY THE MANNER OF DETERMINING THE DATE FROM WHICH THIS PERIOD IS MEASURED, AND TO PROVIDE FOR THE ELECTRONIC STORAGE OF CERTAIN DOCUMENTS, RECORDS, AND COPIES; AND TO AMEND SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST ADMINISTERED INFLUENZA VACCINES COMMITTEE, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 474 -- Senator O'Dell: A BILL TO AMEND SECTION 44-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHAPTER DEFINITIONS, SO AS TO ADD AND DEFINE THE TERM "AUTHORIZED HEALTH CARE PROVIDER"; TO AMEND SECTION 44-22-60, RELATING TO PATIENTS' RIGHTS, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THE REQUIRED INITIAL EXAMINATION; AND TO AMEND SECTION 44-22-140, RELATING TO AUTHORIZATION OF MEDICATIONS AND TREATMENT GIVEN OR ADMINISTERED TO A PATIENT, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THESE FUNCTIONS.

Ordered for consideration tomorrow.

H. 3878--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill, which was adopted:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS

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PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

H. 3008--DEBATE ADJOURNED

Rep. TALLON moved to adjourn debate upon the following Bill, which was adopted:

H. 3008 -- Rep. Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-100 SO AS TO PROVIDE THAT A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC PREEMPTS A LOCAL ORDINANCE, RULE OR REGULATION THAT CONFLICTS WITH THE STATUTE, AND THAT A LOCAL GOVERNMENTAL BODY MAY NOT ENACT A PROVISION THAT CONFLICTS WITH A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC; AND TO AMEND SECTION 56-5-30, RELATING TO THE APPLICABILITY OF THE STATE'S UNIFORM TRAFFIC LAWS UPON THE STATE'S POLITICAL SUBDIVISIONS, SO AS TO DELETE THE PROVISION THAT ALLOWS A POLITICAL SUBDIVISION OF THE STATE TO ADOPT TRAFFIC REGULATIONS WHICH ARE NOT IN CONFLICT WITH THE STATUTES THAT REGULATE HIGHWAY TRAFFIC.

S. 592--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill, which was adopted:

S. 592 -- Senator Campsen: A BILL TO AMEND SECTION 50-11-710(A) OF THE 1976 CODE, RELATING TO THE HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS, TO PROVIDE THAT FERAL HOGS, COYOTES, AND ARMADILLOS MAY BE HUNTED AT ANY TIME OF THE YEAR UNDER AUTHORITY OF AND PURSUANT TO THE CONDITIONS CONTAINED IN A DEPREDATION PERMIT ISSUED BY THE DEPARTMENT AND FROM THE LAST DAY OF FEBRUARY TO THE FIRST DAY OF JULY OF THAT SAME YEAR WITH ANY LEGAL FIREARM, BOW AND ARROW, OR CROSSBOW WHEN NOTICE IS GIVEN TO THE DEPARTMENT, AND TO PROVIDE CONDITIONS FOR HUNTING THESE ANIMALS AT NIGHT.

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S. 441--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill, which was adopted:

S. 441 -- Senators Hayes and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 37 SO AS TO ENACT THE "GUARANTEED ASSET PROTECTION ACT", TO PROVIDE A FRAMEWORK WITHIN WHICH GUARANTEED ASSET PROTECTION WAIVERS ARE DEFINED AND MAY BE OFFERED WITHIN THIS STATE, TO PROVIDE REQUIREMENTS FOR OFFERING GUARANTEED ASSET PROTECTION WAIVERS, TO PROVIDE THE DISCLOSURES REQUIRED, TO PROVIDE FOR CANCELLATION OF GUARANTEED ASSET PROTECTION WAIVERS, AND TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER.

S. 375--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill, which was adopted:

S. 375 -- Senator Hayes: A BILL TO AMEND SECTION 6-5-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECURING DEPOSITS OF FUNDS BY LOCAL ENTITIES, SO AS TO ALLOW A LOCAL ENTITY TO DEPOSIT ALL OR A PORTION OF SURPLUS PUBLIC FUNDS IN ITS CONTROL OR POSSESSION IN ACCORDANCE WITH CERTAIN CONDITIONS.

S. 301--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill, which was adopted:

S. 301 -- Senator Alexander: A BILL TO AMEND SECTION 40-2-10 OF THE 1976 CODE, RELATING TO THE MEMBERS OF THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, TO REVISE THE BOARD COMPOSITION; TO AMEND SECTION 40-2-20, TO AMEND THE DEFINITION OF THE TERM "ATTEST" TO INCLUDE ANY EXAMINATION, REVIEW, OR AGREED UPON PROCEDURE TO BE PERFORMED IN ACCORDANCE WITH THE STATEMENTS ON STANDARDS FOR ATTEST ENGAGEMENTS;

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TO AMEND SECTION 40-2-30, RELATING TO LICENSING OR REGISTRATION REQUIREMENTS, TO DELETE REFERENCE TO THE TERM "FINANCIAL STATEMENTS"; TO AMEND SECTION 40-2-35, RELATING TO CERTIFIED PUBLIC ACCOUNTANT LICENSURE REQUIREMENTS, SO AS TO REQUIRE SUCH APPLICANTS FOR LICENSURE TO UNDERGO STATE AND FEDERAL CRIMINAL RECORDS CHECKS AND TO REQUIRE CONTINUING EDUCATION OR ADDITIONAL EXPERIENCE, AS APPLICABLE, FOR AN APPLICANT WHO DELAYS SUBMITTING AN APPLICATION FOR A SUBSTANTIAL PERIOD OF TIME AFTER PASSING THE CERTIFIED PUBLIC ACCOUNTING EXAMINATION OR OBTAINING ACCOUNTING EXPERIENCE; TO AMEND SECTION 40-2-40, RELATING TO QUALIFICATIONS FOR REGISTRATION OF A CERTIFIED PUBLIC ACCOUNTING FIRM, SO AS TO PROVIDE THAT A SIMPLE MAJORITY OF THE FIRM OWNERSHIP MUST BE CERTIFIED PUBLIC ACCOUNTANTS, TO PROVIDE QUALIFICATIONS AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT FIRM OWNERS, AND TO GIVE THE BOARD OF ACCOUNTANCY THE DISCRETION TO CHARGE REGISTRATION AND RENEWAL FEES; TO AMEND SECTION 40-2-80, RELATING TO THE INVESTIGATION OF COMPLAINTS AND DISCIPLINARY PROCEEDINGS, TO PROVIDE THAT IN CONDUCTING SUCH INVESTIGATIONS AND PROCEEDINGS THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY REQUIRE STATE AND FEDERAL CRIMINAL RECORDS CHECKS; TO AMEND SECTION 40-2-250, RELATING TO APPLICATIONS FOR LICENSE RENEWAL, TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN REINSTATEMENT FEES AND SANCTIONING OF THE LICENSEE; AND TO AMEND SECTION 40-2-255, RELATING TO APPLICATIONS FOR REGISTRATION RENEWAL, SO AS TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN SANCTIONING OF THE REGISTRANT.

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S. 304--ORDERED TO THIRD READING

The following Bill was taken up:

S. 304 -- Senators L. Martin, Alexander, Verdin, Hayes, Peeler, Cromer, Corbin, Nicholson, Rankin, Hembree, Williams, Coleman and Campbell: A BILL TO AMEND SECTION 6-23-110, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO CONTRACTS TO BUY POWER BETWEEN A JOINT POWER AND ENERGY AGENCY AND ITS CONSTITUENT MUNICIPALITIES, SO AS TO PROVIDE FOR THE RENEWAL OR EXTENSION OF CONTRACTS TO BUY POWER FOR ADDITIONAL PERIODS NOT TO EXCEED FIFTY YEARS FROM THE DATE OF THE RENEWAL OR EXTENSION.

Rep. FORRESTER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 0

Those who voted in the affirmative are:

| | | |
|--------------|------------|----------------|
| Allison | Anderson | Anthony |
| Bales | Bamberg | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clary | Clemmons | Cole |
| Collins | Corley | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hart | Henegan | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Huggins | Jefferson |
| Johnson | Jordan | Kennedy |
| Kirby | Knight | Limehouse |
| Loftis | Long | Lowe |
| Mack | McCoy | McEachern |
| W. J. McLeod | Merrill | D. C. Moss |

[HJ]

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| | | |
|------------------|-------------|----------|
| V. S. Moss | Murphy | Newton |
| Norman | Norrell | Ott |
| Parks | Pitts | Pope |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Tinkler |
| Toole | Weeks | Wells |
| Whipper | White | Yow |

Total--93

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

S. 389--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill, which was adopted:

S. 389 -- Senator Lourie: A BILL TO AMEND CHAPTER 37, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA BUSINESS DEVELOPMENT CORPORATIONS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CORPORATIONS ARE ORGANIZED, REGULATED, AND PERMITTED TO OPERATE.

S. 3--DEBATE ADJOURNED

Rep. DANING moved to adjourn debate upon the following Bill, which was adopted:

S. 3 -- Senators L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree: A BILL TO AMEND SECTION 16-25-10 OF THE 1976 CODE, TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16-25-20 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES AND PENALTIES, SO AS TO RESTRUCTURE THE CRIMINAL DOMESTIC VIOLENCE OFFENSES INTO DEGREES AND PROVIDE

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PENALTIES; TO AMEND SECTION 16-25-30, RELATING TO THE ILLEGAL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A DOMESTIC VIOLENCE OFFENSE, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE OR A PERSON SUBJECT TO AN ORDER OF PROTECTION FOR DOMESTIC OR FAMILY VIOLENCE TO SHIP, TRANSPORT, OR RECEIVE A FIREARM OR AMMUNITION, AND TO PROVIDE NOTICE TO A PERSON TO WHOM THE STATUTE APPLIES; TO AMEND SECTION 16-25-65, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO PROVIDE THAT THE COURT MUST ORDER PARTICIPATION IN A DOMESTIC VIOLENCE INTERVENTION PROGRAM AND ALLOW A RESTRICTION ON FIREARMS AND AMMUNITION AS A CONDITION OF BOND; AND TO AMEND CHAPTER 3, TITLE 16, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING ARTICLE 18, TO PROVIDE NECESSARY DEFINITIONS AND TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF PERMANENT AND EMERGENCY CIVIL NO-CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO-CONTACT ORDERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO-CONTACT ORDERS.

S. 211--REQUESTS FOR DEBATE

The following Bill was taken up:

S. 211 -- Senator Campsen: A BILL TO AMEND SECTION 56-2-105(E) OF THE 1976 CODE, SO AS TO ALLOW POLITICAL SUBDIVISIONS TO CREATE SEPARATE GOLF CART PATHS ON STREETS AND ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION.

Rep. DANING explained the Bill.

Reps. WHITE, PITTS, HILL, YOW, SANDIFER, HERBKERSMAN, CLEMMONS, ANTHONY, DANING, BRANNON, STRINGER, G. R. SMITH, SOTTILE, CROSBY, NORMAN, MERRILL and HICKS requested debate on the Bill.

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Rep. COLLINS moved that the House recede until 2:00 p.m., which was agreed to.

THE HOUSE RESUMES

At 2:00 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

POINT OF QUORUM

The question of a quorum was raised.
A quorum was later present.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

RECURRENCE TO THE MORNING HOUR

Rep. TAYLOR moved that the House recur to the morning hour, which was agreed to.

REGULATIONS RECEIVED

The following were received and referred to the appropriate committee for consideration:

Document No. 4564
Agency: Department of Health and Environmental Control
Statutory Authority: 1976 Code Section 44-7-260
Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions
Received by Speaker of the House of Representatives
May 20, 2015
Referred to Regulations and Administrative Procedures Committee
Legislative Review Expiration April 25, 2016

Document No. 4565
Agency: Department of Health and Environmental Control
Statutory Authority: 1976 Code Sections 44-2-10 et seq.
Underground Storage Tank Control Regulations
Received by Speaker of the House of Representatives
May 20, 2015
Referred to Regulations and Administrative Procedures and Rules Committee
Legislative Review Expiration April 25, 2016

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REPORTS OF STANDING COMMITTEES

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE "PEANUT'S LAW", TO PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSES OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT "ENDANGERMENT OF A HIGHWAY WORKER" VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3133 -- Reps. Rutherford and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-462 SO AS TO PROVIDE THAT A COUNTY SOLICITOR MUST PETITION THE FAMILY COURT TO REQUIRE A PERSON TO CONTINUE TO REGISTER AS A SEX OFFENDER WHO IS A REGISTERED JUVENILE SEX OFFENDER, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE, OR HAS BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE PERSON MUST CONTINUE TO REGISTER AS A SEX OFFENDER IF THE FAMILY COURT DETERMINES THAT HE IS LIKELY TO OR POSES AN ONGOING THREAT TO THE PUBLIC, AND TO PROVIDE THAT IF NO PETITION IS FILED WITHIN NINETY DAYS FOLLOWING THE TWENTY-FIRST BIRTHDAY OF THE PERSON OR THE

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DATE OF HIS RELEASE FROM CUSTODY, OR IF THE FAMILY COURT DETERMINES THAT THE PERSON IS NOT LIKELY TO OR DOES NOT POSE A THREAT TO THE PUBLIC, THEN THE PERSON IS NO LONGER REQUIRED TO REGISTER AS A SEX OFFENDER AND HIS INFORMATION MUST BE DELETED FROM THE SEX OFFENDER REGISTRY.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 250 -- Senators Shealy, Lourie and Young: A BILL TO AMEND SECTION 63-7-380 OF THE 1976 CODE, TO PROVIDE FOR THE RELEASE OF A CHILD'S MEDICAL RECORDS WITHOUT PARENTAL CONSENT TO A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER FOR EVALUATING THE CHILD FOR SUSPECTED ABUSE OR NEGLECT; TO ADD SECTION 63-7-1990(B)(24) TO ALLOW A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER ACCESS TO RECORDS OF INDICATED CASES OF CHILD ABUSE OR NEGLECT; TO AMEND SECTION 63-7-1990 BY ADDING SUBSECTION (N) TO ALLOW FOR A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER TO RECEIVE A SUMMARY OF REFERRALS AND OUTCOMES OF CASES OF SUSPECTED ABUSE OR NEGLECT SENT TO A CONTRACTED SERVICE AGENCY OR PROGRAM; TO AMEND SECTION 63-7-1990 BY ADDING SUBSECTION (O) TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL SHARE INFORMATION RELATING TO AN INDICATED INVESTIGATION OF CHILD ABUSE OR NEGLECT WITH A CHILD'S PRIMARY OR SPECIALTY HEALTH CARE PROVIDER; TO AMEND SECTION 63-7-2000 BY ADDING SUBSECTION (F) TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO RELEASE A SUMMARY OF ALLEGATIONS AND THE INVESTIGATION OUTCOME OF UNFOUNDED CASES OF CHILD ABUSE OR NEGLECT WITH A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER.

Ordered for consideration tomorrow.

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Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3972 -- Reps. Loftis, Burns, Hamilton, Willis, Collins, Clyburn, Robinson-Simpson, Bannister, Bedingfield, Gagnon, Henderson, Hosey, Nanney, G. R. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-29-1210 SO AS TO ESTABLISH THAT UNDEVELOPED PROPERTY MAY BE TRANSFERRED WITHOUT THE SUBMISSION OF A LAND DEVELOPMENT PLAN; AND TO AMEND SECTION 30-5-30, RELATING TO PREREQUISITES TO RECORDING, SO AS TO ESTABLISH THAT A LAND USE PLAN IS NOT REQUIRED TO EXECUTE A DEED OR OTHER INSTRUMENT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3450 -- Reps. Bannister, Tallon, Cobb-Hunter, D. C. Moss, Herbkersman, Murphy, Brannon, Bedingfield, Delleney, Finlay, Forrester, Gambrell, Goldfinch, Hamilton, Henderson, Hicks, Horne, McCoy, Pitts, Quinn, G. M. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-360 SO AS TO PROHIBIT A BEER WHOLESALER FROM DELIVERING BEER TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE BEER HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES, AND TO PROVIDE PENALTIES; BY ADDING SECTION 61-4-370 SO AS TO PROHIBIT A WINE WHOLESALER FROM DELIVERING WINE TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE WINE HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-1325 SO AS TO PROHIBIT A LIQUOR WHOLESALER FROM DELIVERING ALCOHOLIC LIQUORS TO A RETAIL LIQUOR LICENSE HOLDER UNLESS THE ALCOHOLIC LIQUORS HAVE BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES

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FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS,
AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3862 -- Reps. Quinn, McCoy, Stavrinakis, Bingham, Newton, Bradley, Burns, Merrill, Atwater, Bannister, Bedingfield, Bernstein, Hamilton, Henderson, Herbkersman, Hixon, Huggins, Lowe, Putnam, Rutherford, G. M. Smith, G. R. Smith, J. E. Smith, Stringer and Toole: A BILL TO AMEND SECTION 14-1-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIRED JUDGES AND JUSTICES CONTINUING TO PRESIDE IN CERTAIN COURTS, SO AS TO REQUIRE THAT IN ADDITION TO CURRENT SCREENING REQUIREMENTS REGARDING RETIRED JUDGES AND JUSTICES PROVIDED BY CHAPTER 19, TITLE 2, RETIRED JUDGES AND JUSTICES ASSIGNED BY THE CHIEF JUSTICE TO PRESIDE OVER ANY PROCEEDING BEFORE A CIRCUIT OR FAMILY COURT OR TO ACT AS AN ASSOCIATE JUSTICE IN A PROCEEDING BEFORE THE SUPREME COURT OR COURT OF APPEALS ALSO MUST BE CONFIRMED EVERY TWO YEARS BY THE GENERAL ASSEMBLY IN JOINT SESSION BEGINNING JANUARY 1, 2016.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4204 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal,

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Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO HONOR GABRIELLE GOODWIN, A SECOND-GRADER AT HARBISON WEST ELEMENTARY SCHOOL, AND TO CONGRATULATE HER FOR HER SUCCESSFUL BARRETTE BUSINESS AND FOR BEING NAMED A 2015 SOUTH CAROLINA YOUNG ENTREPRENEUR OF THE YEAR.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4205 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR EARL G. COX OF CHARLESTON COUNTY FOR HIS LIFELONG AND SIGNIFICANT WORK ON BEHALF OF THE STATE OF ISRAEL AND TO CONGRATULATE HIM FOR BEING NAMED AN AMBASSADOR OF GOODWILL FROM ISRAEL TO JEWISH AND

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CHRISTIAN COMMUNITIES AROUND THE WORLD BY PRIME MINISTER BENJAMIN NETANYAHU.

The Resolution was adopted.

INTRODUCTION OF BILLS

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4206 -- Reps. Kennedy, Sottile, Johnson, Pope, Spires, Quinn, Atwater, Chumley, Yow, Daning, J. E. Smith, Gambrell, Hart, Felder, Taylor, Burns, Whipper, Bernstein, Limehouse, Bingham, Delleney, Duckworth, Erickson, Funderburk, Gagnon, Hicks, Hixon, Huggins, W. J. McLeod, Merrill, D. C. Moss, Newton, Pitts, Riley, Sandifer, Simrill, G. M. Smith, Stringer, Thayer, Toole, Weeks and Wells: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-20-125 SO AS TO SET MINIMUM DISTANCES THAT A MINE OPERATOR MUST MAINTAIN WHILE CONDUCTING BLASTING ACTIVITIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3878--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill, which was adopted:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. V. S. MOSS a leave of absence for the remainder of the day due to illness.

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H. 3008--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3008 -- Rep. Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-100 SO AS TO PROVIDE THAT A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC PREEMPTS A LOCAL ORDINANCE, RULE OR REGULATION THAT CONFLICTS WITH THE STATUTE, AND THAT A LOCAL GOVERNMENTAL BODY MAY NOT ENACT A PROVISION THAT CONFLICTS WITH A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC; AND TO AMEND SECTION 56-5-30, RELATING TO THE APPLICABILITY OF THE STATE'S UNIFORM TRAFFIC LAWS UPON THE STATE'S POLITICAL SUBDIVISIONS, SO AS TO DELETE THE PROVISION THAT ALLOWS A POLITICAL SUBDIVISION OF THE STATE TO ADOPT TRAFFIC REGULATIONS WHICH ARE NOT IN CONFLICT WITH THE STATUTES THAT REGULATE HIGHWAY TRAFFIC.

Reps. CLEMMONS and BALES proposed the following Amendment No. 1 to H. 3008 (COUNCIL\SWB\3008C001.SWB.CM15):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 56-5-30 of the 1976 Code is amended to read:

“Section 56-5-30. The provisions of this chapter shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, subject to the limitations prescribed in Section 56-5-930, adopt additional traffic regulations which are not in conflict with the provisions of this chapter and do not impose a fine for speeding that is in excess of a fine that may be reported for speeding on a uniform traffic ticket.

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

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

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Reps. BRANNON, HICKS, GEORGE, DANING, TAYLOR, GILLIARD, CHUMLEY, BURNS, FORRESTER, KIRBY, WHIPPER, RIDGEWAY, R. L. BROWN, TALLON, SOUTHARD, OTT, BAMBERG and JEFFERSON requested debate on the Bill.

S. 592--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, May 27, which was adopted:

S. 592 -- Senator Campsen: A BILL TO AMEND SECTION 50-11-710(A) OF THE 1976 CODE, RELATING TO THE HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS, TO PROVIDE THAT FERAL HOGS, COYOTES, AND ARMADILLOS MAY BE HUNTED AT ANY TIME OF THE YEAR UNDER AUTHORITY OF AND PURSUANT TO THE CONDITIONS CONTAINED IN A DEPREDATION PERMIT ISSUED BY THE DEPARTMENT AND FROM THE LAST DAY OF FEBRUARY TO THE FIRST DAY OF JULY OF THAT SAME YEAR WITH ANY LEGAL FIREARM, BOW AND ARROW, OR CROSSBOW WHEN NOTICE IS GIVEN TO THE DEPARTMENT, AND TO PROVIDE CONDITIONS FOR HUNTING THESE ANIMALS AT NIGHT.

S. 441--ORDERED TO THIRD READING

The following Bill was taken up:

S. 441 -- Senators Hayes and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 37 SO AS TO ENACT THE "GUARANTEED ASSET PROTECTION ACT", TO PROVIDE A FRAMEWORK WITHIN WHICH GUARANTEED ASSET PROTECTION WAIVERS ARE DEFINED AND MAY BE OFFERED WITHIN THIS STATE, TO PROVIDE REQUIREMENTS FOR OFFERING GUARANTEED ASSET PROTECTION WAIVERS, TO PROVIDE THE DISCLOSURES REQUIRED, TO PROVIDE FOR CANCELLATION OF GUARANTEED ASSET PROTECTION WAIVERS, AND TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER.

Rep. MACK explained the Bill.

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The yeas and nays were taken resulting as follows:

Yeas 88; Nays 0

Those who voted in the affirmative are:

| | | |
|----------------|--------------|------------------|
| Allison | Anthony | Atwater |
| Bales | Bamberg | Bannister |
| Bingham | Bowers | Bradley |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clary | Clemmons |
| Cole | Collins | Corley |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Henegan | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Huggins | Jefferson |
| Jordan | Kennedy | Kirby |
| Knight | Loftis | Long |
| Lowe | Mack | McCoy |
| McEachern | W. J. McLeod | D. C. Moss |
| Murphy | Nanney | Norman |
| Norrell | Ott | Pitts |
| Pope | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Southard | Stavrinnakis |
| Stringer | Tallon | Taylor |
| Thayer | Tinkler | Toole |
| Whipper | White | Willis |
| Yow | | |

Total--88

Those who voted in the negative are:

Total--0

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So, the Bill was read the second time and ordered to third reading.

S. 375--ORDERED TO THIRD READING

The following Bill was taken up:

S. 375 -- Senator Hayes: A BILL TO AMEND SECTION 6-5-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECURING DEPOSITS OF FUNDS BY LOCAL ENTITIES, SO AS TO ALLOW A LOCAL ENTITY TO DEPOSIT ALL OR A PORTION OF SURPLUS PUBLIC FUNDS IN ITS CONTROL OR POSSESSION IN ACCORDANCE WITH CERTAIN CONDITIONS.

Rep. MACK explained the Bill.

Rep. HILL moved to adjourn debate on the Bill until Wednesday, May 27.

Rep. MACK moved to table the motion.

Rep. HILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 50; Nays 42

Those who voted in the affirmative are:

| | | |
|--------------|------------------|----------------|
| Anthony | Atwater | Bales |
| Bamberg | Bowers | G. A. Brown |
| R. L. Brown | Clemmons | H. A. Crawford |
| Crosby | Dillard | Douglas |
| Erickson | Finlay | Forrester |
| Funderburk | Gambrell | Gilliard |
| Henegan | Herbkersman | Hodges |
| Horne | Jefferson | Johnson |
| Jordan | Kirby | Knight |
| Limehouse | Long | Lowe |
| Mack | McCoy | McEachern |
| W. J. McLeod | Murphy | Newton |
| Norrell | Ott | Ridgeway |
| Riley | Robinson-Simpson | Ryhal |
| Sandifer | J. E. Smith | Sottile |

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| | | |
|-------------|---------|-------|
| Stavrinakis | Tinkler | Toole |
| Whipper | Yow | |

Total--50

Those who voted in the negative are:

| | | |
|-------------|-------------|------------|
| Allison | Bannister | Bradley |
| Brannon | Burns | Chumley |
| Clary | Cole | Collins |
| Corley | Daning | Delleney |
| Duckworth | Felder | Gagnon |
| Goldfinch | Hamilton | Henderson |
| Hicks | Hill | Hiott |
| Hixon | Huggins | Kennedy |
| Loftis | Merrill | D. C. Moss |
| Nanney | Norman | Pope |
| Quinn | Rivers | Simrill |
| G. M. Smith | G. R. Smith | Southard |
| Stringer | Taylor | Thayer |
| Wells | White | Willis |

Total--42

So, the motion to adjourn debate was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 0

Those who voted in the affirmative are:

| | | |
|----------------|------------|-------------|
| Allison | Anderson | Anthony |
| Atwater | Bales | Bamberg |
| Bannister | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Cole | Corley |
| H. A. Crawford | Crosby | Daning |
| Delleney | Douglas | Duckworth |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |

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| | | |
|-------------|-------------|--------------|
| Gambrell | Gilliard | Goldfinch |
| Hamilton | Hardee | Henderson |
| Henegan | Herbkersman | Hicks |
| Hill | Hixon | Hodges |
| Horne | Huggins | Jefferson |
| Johnson | Jordan | Kennedy |
| Kirby | Knight | Loftis |
| Long | Lowe | Mack |
| McCoy | McEachern | W. J. McLeod |
| Merrill | D. C. Moss | Murphy |
| Nanney | Newton | Norman |
| Norrell | Ott | Pope |
| Quinn | Ridgeway | Rivers |
| Ryhal | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Stavrinakis | Stringer |
| Taylor | Thayer | Tinkler |
| Toole | Wells | Whipper |
| White | Willis | Yow |

Total--87

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

S. 301--DEBATE ADJOURNED

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, May 27, which was adopted:

S. 301 -- Senator Alexander: A BILL TO AMEND SECTION 40-2-10 OF THE 1976 CODE, RELATING TO THE MEMBERS OF THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, TO REVISE THE BOARD COMPOSITION; TO AMEND SECTION 40-2-20, TO AMEND THE DEFINITION OF THE TERM "ATTEST" TO INCLUDE ANY EXAMINATION, REVIEW, OR AGREED UPON PROCEDURE TO BE PERFORMED IN ACCORDANCE WITH THE STATEMENTS ON STANDARDS FOR ATTEST ENGAGEMENTS; TO AMEND SECTION 40-2-30, RELATING TO LICENSING OR

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REGISTRATION REQUIREMENTS, TO DELETE REFERENCE TO THE TERM "FINANCIAL STATEMENTS"; TO AMEND SECTION 40-2-35, RELATING TO CERTIFIED PUBLIC ACCOUNTANT LICENSURE REQUIREMENTS, SO AS TO REQUIRE SUCH APPLICANTS FOR LICENSURE TO UNDERGO STATE AND FEDERAL CRIMINAL RECORDS CHECKS AND TO REQUIRE CONTINUING EDUCATION OR ADDITIONAL EXPERIENCE, AS APPLICABLE, FOR AN APPLICANT WHO DELAYS SUBMITTING AN APPLICATION FOR A SUBSTANTIAL PERIOD OF TIME AFTER PASSING THE CERTIFIED PUBLIC ACCOUNTING EXAMINATION OR OBTAINING ACCOUNTING EXPERIENCE; TO AMEND SECTION 40-2-40, RELATING TO QUALIFICATIONS FOR REGISTRATION OF A CERTIFIED PUBLIC ACCOUNTING FIRM, SO AS TO PROVIDE THAT A SIMPLE MAJORITY OF THE FIRM OWNERSHIP MUST BE CERTIFIED PUBLIC ACCOUNTANTS, TO PROVIDE QUALIFICATIONS AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT FIRM OWNERS, AND TO GIVE THE BOARD OF ACCOUNTANCY THE DISCRETION TO CHARGE REGISTRATION AND RENEWAL FEES; TO AMEND SECTION 40-2-80, RELATING TO THE INVESTIGATION OF COMPLAINTS AND DISCIPLINARY PROCEEDINGS, TO PROVIDE THAT IN CONDUCTING SUCH INVESTIGATIONS AND PROCEEDINGS THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY REQUIRE STATE AND FEDERAL CRIMINAL RECORDS CHECKS; TO AMEND SECTION 40-2-250, RELATING TO APPLICATIONS FOR LICENSE RENEWAL, TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN REINSTATEMENT FEES AND SANCTIONING OF THE LICENSEE; AND TO AMEND SECTION 40-2-255, RELATING TO APPLICATIONS FOR REGISTRATION RENEWAL, SO AS TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN SANCTIONING OF THE REGISTRANT.

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S. 389--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill until Wednesday, May 27, which was adopted:

S. 389 -- Senator Lourie: A BILL TO AMEND CHAPTER 37, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA BUSINESS DEVELOPMENT CORPORATIONS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CORPORATIONS ARE ORGANIZED, REGULATED, AND PERMITTED TO OPERATE.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

RECURRENCE TO THE MORNING HOUR

Rep. HODGES moved that the House recur to the morning hour, which was agreed to.

HOUSE RESOLUTION

The following was introduced:

H. 4207 -- Reps. Tallon, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR BENJAMIN F. THOMAS III, ASSISTANT CHIEF OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, UPON THE OCCASION OF HIS

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RETIREMENT AFTER MORE THAN FOUR DECADES OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

INTRODUCTION OF BILL

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4208 -- Reps. Atwater and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 27 TO ENACT THE "SOUTH CAROLINA HOMEOWNERS PROTECTION ACT OF 2015" SO AS TO SET FORTH THE MANNER IN WHICH A HOMEOWNERS ASSOCIATION CREATED AFTER 2015 MUST BE ESTABLISHED AND ADMINISTERED, AND TO SET FORTH THE RIGHTS OF THE ASSOCIATION AND ITS OWNERS; TO AMEND SECTION 22-3-10, RELATING TO THE JURISDICTION OF MAGISTRATES, SO AS TO GRANT MAGISTRATES CONCURRENT CIVIL JURISDICTION IN CERTAIN ACTIONS BETWEEN ASSOCIATIONS AND OWNERS; AND TO AMEND SECTION 22-3-20, RELATING TO THE JURISDICTION OF MAGISTRATES, SO AS TO PROVIDE THAT A MAGISTRATE DOES NOT HAVE JURISDICTION OF CERTAIN FORECLOSURE ACTIONS BY AN ASSOCIATION.

Referred to Committee on Judiciary

H. 3878--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill until Thursday, May 21, which was adopted:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS

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PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. DANING a leave of absence for the remainder of the day.

S. 3--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 3 -- Senators L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree: A BILL TO AMEND SECTION 16-25-10 OF THE 1976 CODE, TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16-25-20 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES AND PENALTIES, SO AS TO RESTRUCTURE THE CRIMINAL DOMESTIC VIOLENCE OFFENSES INTO DEGREES AND PROVIDE PENALTIES; TO AMEND SECTION 16-25-30, RELATING TO THE ILLEGAL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A DOMESTIC VIOLENCE OFFENSE, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE OR A PERSON SUBJECT TO AN ORDER OF PROTECTION FOR DOMESTIC OR FAMILY VIOLENCE TO SHIP, TRANSPORT, OR RECEIVE A FIREARM OR AMMUNITION, AND TO PROVIDE NOTICE TO A PERSON TO WHOM THE STATUTE APPLIES; TO AMEND SECTION 16-25-65, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO PROVIDE THAT THE COURT MUST ORDER PARTICIPATION IN A DOMESTIC VIOLENCE INTERVENTION PROGRAM AND ALLOW A RESTRICTION ON FIREARMS AND AMMUNITION AS A CONDITION OF BOND; AND TO AMEND CHAPTER 3, TITLE 16, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING ARTICLE 18, TO PROVIDE NECESSARY DEFINITIONS AND TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF PERMANENT AND EMERGENCY CIVIL NO-CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO-CONTACT ORDERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO-CONTACT ORDERS.

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Reps. ERICKSON, DELLENEY, WEEKS and RUTHERFORD proposed the following Amendment No. 1 to S. 3 (COUNCIL\MS\3C005.MS.AHB15), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ Part I

Citation

SECTION 1. This act may be cited as the “Domestic Violence Reform Act”.

Part II

Domestic Violence Penalties

SECTION 2. Section 16-25-10 of the 1976 Code, as last amended by Act 166 of 2005, is further amended to read:

“Section 16-25-10. As used in this article, the term:

(1) ‘Deadly weapon’ means any pistol, dirk, slingshot, metal knuckles, razor, or other instrument which can be used to inflict deadly force.

(2) ‘Great bodily injury’ means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

(3) ‘Household member’ means:

~~(1)(a)~~ a spouse;

~~(2)(b)~~ a former spouse;

~~(3)(c)~~ persons who have a child in common; or

~~(4)(d)~~ a male and female who are cohabiting or formerly have cohabited.

(4) ‘Moderate bodily injury’ means physical injury that involves prolonged loss of consciousness or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

(5) ‘Prior conviction of domestic violence’ includes conviction of any crime, in any state, containing among its elements those enumerated in, or substantially similar to those enumerated in, Section 16-25-20(A) that is committed against a household member as defined in item (3) within the ten years prior to the incident date of the current offense.

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(6) ‘Protection order’ means any order of protection, restraining order, condition of bond, or any other similar order issued in this State or another state or foreign jurisdiction for the purpose of protecting a household member.

(7) ‘Firearm’ means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, or an assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive but does not include an antique firearm as defined in 18 U.S.C. 921(a)(16).”

SECTION 3. Section 16-3-600(A)(2) of the 1976 Code, as added by Act 273 of 2010, is amended to read:

“(2) ‘Moderate bodily injury’ means physical injury requiring treatment to an organ system of the body other than the skin, muscles, and connective tissues of the body, except when there is penetration of the skin, muscles, and connective tissues that require surgical repair of a complex nature or when treatment of the injuries requires the use of regional or general anesthesia. that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.”

SECTION 4. Section 16-25-20 of the 1976 Code, as last amended by Act 255 of 2008, is further amended to read:

“Section 16-25-20. (A) It is unlawful to:

(1) cause physical harm or injury to a person’s own household member; or

(2) offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

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

(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.

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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 great bodily injury to the person's own household member results or the act is accomplished by means likely to result in great bodily injury to the person's own household member;

(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 days nor more than one year. 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~~ the person violates a protection order and in the process of violating the order commits domestic violence in the second degree;

(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.~~ has two or more prior convictions of domestic violence within ten years of the current offense;

(4) the person uses a firearm in any manner while violating the provisions of subsection (A); or

(5) in the process of committing domestic violence in the second degree one of the following also results:

(a) the offense is committed in the presence of, or while being perceived by a minor;

(b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;

(c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;

(d) the offense is committed by impeding the victim's breathing or air flow; or

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(e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:

(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or

(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.

A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.

Domestic violence in the first degree is a lesser included offense of domestic violence of a high and aggravated nature, as defined in Section 16-25-65.

~~(C) For the purposes of subsections (A) and (B), a conviction within the previous ten years for a violation of subsection (A), Section 16-25-65, or a criminal domestic violence offense in another state which includes similar elements to the provisions of subsection (A) or Section 16-25-65, constitutes a prior offense. A conviction for a violation of a criminal domestic violence offense in another state does not constitute a prior offense if the offense is committed against a person other than a "household member" as defined in Section 16-25-10.~~

~~(D) A person who violates the terms and conditions of an order of protection issued in this State under Chapter 4, Title 20, the 'Protection from Domestic Abuse Act', or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days and fined not more than five hundred dollars.~~ A person commits the offense of domestic violence in the second degree if the person violates subsection (A) and:

(1) moderate bodily injury to the person's own household member results or the act is accomplished by means likely to result in moderate bodily injury to the person's own household member;

(2) the person violates a protection order and in the process of violating the order commits domestic violence in the third degree;

(3) the person has one prior conviction for domestic violence in the past ten years from the current offense; or

(4) in the process of committing domestic violence in the third degree one of the following also results:

(a) the offense is committed in the presence of, or while being perceived by, a minor;

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(b) the offense is committed against a person known, or who reasonably should have been known, by the offender to be pregnant;

(c) the offense is committed during the commission of a robbery, burglary, kidnapping, or theft;

(d) the offense is committed by impeding the victim's breathing or air flow; or

(e) the offense is committed using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:

(i) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or

(ii) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.

A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned for not more than three years, or both.

Domestic violence in the second degree is a lesser-included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65.

Assault and battery in the second degree pursuant to Section 16-3-600(D) is a lesser-included offense of domestic violence in the second degree as defined in this subsection.

~~(E)(D) Unless the complaint is voluntarily dismissed or the charge is dropped prior to the scheduled trial date, a person charged with a violation provided in this chapter must appear before a judge for disposition of the case~~ A person commits the offense of domestic violence in the third degree if the person violates subsection (A).

(1) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense pursuant to the provisions of this subsection may be tried in summary court.

(2) Domestic violence in the third degree is a lesser-included offense of domestic violence in the second degree, as defined in subsection (C), domestic violence in the first degree, as defined in

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subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65.

(3) Assault and battery in the third degree pursuant to Section 16-3-600(E) is a lesser-included offense of domestic violence in the third degree as defined in this subsection.

(4) A person who violates this subsection is eligible for pretrial intervention pursuant to Chapter 22, Title 17.

(F)(E) When a person is convicted of a violation of Section 16-25-20(B) or (C) or Section 16-25-65 or sentenced pursuant to subsection (C), the circuit court may suspend execution of all or part of the sentence, except for the mandatory minimum sentence, and place the offender on probation, or if a person is convicted of a violation of Section 16-25-20(D), the court may suspend execution of all or part of the sentence, conditioned upon:

(1) the offender completing offender's mandatory completion, to the satisfaction of the court, a of a domestic violence intervention program designed to treat batterers in accordance with the provisions of subsection (G);

(2) fulfillment of all the obligations arising under court order pursuant to this section and Section 16-25-65; and

(3) other reasonable terms and conditions of probation as the court may determine necessary to ensure the protection of the victim; and

(4) making restitution as the court deems appropriate.

(G)(F) In determining whether or not to suspend the imposition or execution of all or part of a sentence as provided in this section, the court must consider the nature and severity of the offense, the number of times the offender has repeated the offense, and the best interests and safety of the victim.

(H)(G) An offender who participates in a batterer treatment domestic violence intervention program pursuant to this section, must shall participate in a program offered through a government agency, nonprofit organization, or private provider selected and approved by the Department of Social Services Circuit Solicitor with jurisdiction over the offense or the Attorney General if the offense is prosecuted by the Attorney General's Office. If the offender moves to a different circuit after entering a treatment program selected by the Circuit Solicitor, the Circuit Solicitor for the county in which the offender resides shall have the authority to select and approve the batterer's treatment program. The offender must shall pay a reasonable fee, if required, for participation in the treatment program but no person may be denied treatment

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participation due to inability to pay. If the offender suffers from a substance abuse problem or mental health concern, the judge may order, or the ~~batterer treatment~~ program may refer, the offender to supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20 or the Department of Mental Health or Veterans' Hospital, respectively. The offender must pay a reasonable fee for participation in the substance abuse treatment or mental health program, if required, but no person may be denied ~~treatment~~ participation due to inability to pay.

(H) A person who violates the terms and conditions of an order of protection issued in this State pursuant to Chapter 4, Title 20, the 'Protection from Domestic Abuse Act', or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days and fined not more than five hundred dollars.

(I) Unless the complaint is voluntarily dismissed or the charge is dropped prior to the scheduled trial date, a person charged with a violation provided in this chapter must appear before a judge for disposition of the case or be tried in the person's absence."

SECTION 5. Section 16-25-65 of the 1976 Code, as last amended by Act 166 of 2005, is further amended to read:

"Section 16-25-65. (A) A person who violates Section 16-25-20(A) is guilty of the offense of ~~criminal~~ domestic violence of a high and aggravated nature when one of the following occurs. The person ~~commits~~:

(1) ~~an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim~~ commits the offense under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim results; or

(2) ~~an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death.~~ commits the offense, with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death; or

(3) violates a protection order and, in the process of violating the order, commits domestic violence in the first degree.

(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be imprisoned ~~not less than a mandatory~~

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~~minimum of one year nor more than ten years. The court may suspend the imposition or execution of all or part of the sentence, except the one-year mandatory minimum sentence, and place the offender on probation conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers offered through a government agency, nonprofit organization, or private provider approved by the Department of Social Services. The offender must pay a reasonable fee for participation in the treatment program, but no person may be denied treatment due to inability to pay. If the offender suffers from a substance abuse problem, the judge may order, or the batterer treatment program may refer, the offender to supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20. The offender must pay a reasonable fee for participation in the substance abuse treatment program, but no person may be denied treatment due to inability to pay for not more than twenty years.~~

(C) ~~The provisions of subsection (A) create a statutory offense of criminal domestic violence of a high and aggravated nature and must not be construed to codify the common law crime of assault and battery of a high and aggravated nature.~~

(D) Circumstances manifesting extreme indifference to the value of human life include, but are not limited to, the following:

- (1) using a deadly weapon;
- (2) knowingly and intentionally impeding the normal breathing or circulation of the blood of a household member by applying pressure to the throat or neck or by obstructing the nose or mouth of a household member and thereby causing stupor or loss of consciousness for any period of time;
- (3) committing the offense in the presence of a minor;
- (4) committing the offense against a person he knew, or should have known, to be pregnant;
- (5) committing the offense during the commission of a robbery, burglary, kidnapping, or theft; or
- (6) using physical force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with:
 - (a) the report of any criminal offense, bodily injury, or property damage to a law enforcement agency; or

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(b) a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.”

SECTION 6. Section 16-1-60 of the 1976 Code, as last amended by Act 255 of 2012, is further amended to read:

“Section 16-1-60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-930); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); ~~criminal~~ domestic violence of a high and aggravated nature (Section 16-25-65); domestic violence in the first degree (Section 16-25-20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section

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16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses."

SECTION 7. Section 17-25-45(C)(2) of the 1976 Code is amended to read:

“(2) ‘Serious offense’ means:

(a) any offense which is punishable by a maximum term of imprisonment for thirty years or more which is not referenced in subsection (C)(1);

(b) those felonies enumerated as follows:

| | |
|-----------------|---|
| 16-3-220 | Lynching, Second degree |
| 16-3-210(C) | Assault and battery by mob, Second degree |
| 16-3-600(B) | Assault and battery of a high and aggravated nature |
| 16-3-810 | Engaging child for sexual performance |
| 16-9-220 | Acceptance of bribes by officers |
| 16-9-290 | Accepting bribes for purpose of procuring public office |
| 16-11-110(B) | Arson, Second degree |
| 16-11-312(B) | Burglary, Second degree |
| 16-11-380(B) | Theft of a person using an automated teller machine |
| 16-13-210(1) | Embezzlement of public funds |
| 16-13-230(B)(3) | Breach of trust with fraudulent intent |

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16-13-240(1) Obtaining signature or property by false pretenses

16-25-20(B) Domestic violence, First degree

16-25-65 Domestic violence of a high and aggravated nature

38-55-540(3) Insurance fraud

44-53-370(e) Trafficking in controlled substances

44-53-375(C) Trafficking in ice, crank, or crack cocaine

44-53-445(B)(1)&(2) Distribute, sell, manufacture, or possess with intent to distribute controlled substances within proximity of school

56-5-2945 Causing death by operating vehicle while under influence of drugs or alcohol; and

(c) the offenses enumerated below:

16-1-40 Accessory before the fact for any of the offenses listed in subitems (a) and (b)

16-1-80 Attempt to commit any of the offenses listed in subitems (a) and (b)

43-35-85(E) Abuse or neglect of a vulnerable adult resulting in great bodily injury.”

SECTION 8. Section 56-7-10(A) of the 1976 Code is amended to read:

“(A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

| Offense | Citation |
|---|-------------------|
| Interfering with Police Officer | |
| Serving Process | Section 16-5-50 |
| Dumping Trash on Highway/Private Property | Section 16-11-700 |
| Indecent Exposure | Section 16-15-130 |
| Disorderly Conduct | Section 16-17-530 |
| Damaging Highway | Section 57-7-10 |
| Place Glass, Nails, Etc. on Highway | Section 57-7-20 |
| Obstruction of Highway by Railroad Cars, Etc. | Section 57-7-240 |
| Signs Permitted on Interstate | Section 57-25-140 |
| Brown Bagging | Section 61-5-20 |
| Drinking Liquors in Public | |
| Conveyance | Section 61-13-360 |
| Poles Dragging on Highway | Section 57-7-80 |
| Open Container | Section 61-9-87 |

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Purchase or Possession of Beer or
Wine by a Person Under Age Section 63-19-2440
Purchase or Possession of
Alcoholic Liquor by a Person
Under Age Twenty-One Section 63-19-2450
Unlawful Possession and
Consumption of Alcoholic Liquors Section 61-5-30
Sale of Beer or Wine on Which
Tax Has Not Been Paid Section 61-9-20
Falsification of Age to Purchase
Beer or Wine Section 61-9-50
Unlawful Purchase of Beer or
Wine for a Person Who Cannot
Legally Buy Section 61-9-60
Unlawful Sale or Purchase of Beer
or Wine, Giving False Information
as to Age, Buying Beer or Wine
Unlawfully for Another Section 61-9-85
Employment of a Person Under the
Age of Twenty-One as an
Employee in Retail or Wholesale
or Manufacturing Liquor Business Section 61-13-340
Failure to Remove Doors from
Abandoned Refrigerators Section 16-3-1010
Malicious Injury to Animals
or Personal Property Section 16-11-510
Timber, Logs, or Lumber Cutting,
Removing, Transporting Without
Permission, Valued at Less Than
Fifty Dollars Section 16-11-580
Littering Section 16-11-700
Larceny of a Bicycle Valued at
Less Than One Hundred Dollars Section 16-13-80
Shoplifting Section 16-13-110
Cock Fighting Section 16-17-650
Ticket Scalping Section 16-17-710
~~Criminal Domestic Violence, First
Offense and Second Offense (B)(1)
and (2) second and third degree~~ Section 16-25-20
Glue Sniffing Section 44-53-1110
Trespassing Section 16-11-755

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| | |
|---|--------------------|
| Trespassing | Section 16-11-600 |
| Trespassing | Section 16-11-610 |
| Trespassing | Section 16-11-620 |
| Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs | Section 50-21-110 |
| Negligence of Boat Livery to Provide Proper Equipment and Registration | Section 50-21-120 |
| Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area | Section 50-21-170 |
| Operation of Watercraft Without a Certificate of Title | Section 50-23-190 |
| Parking on private property without permission | Section 16-11-760 |
| Certificate of Veterinary Inspection; Requirement for Out-of- State Livestock or Poultry | Section 47-4-60 |
| Inhibition of Livestock Inspection | Section 47-4-120 |
| Imported Swine | Section 47-6-50 |
| Operating Equine Sales Facility or Livestock Market Without Permit | Section 47-11-20 |
| Liability of Person Removing Livestock for Slaughter | Section 47-11-120 |
| Notice to Disinfect | Section 47-13-310 |
| Quarantine of Livestock or Poultry | Section 47-4-70 |
| Unlawful for Horse to Enter State Unless Tested | Section 47-13-1350 |
| Quarantine of Exposed Horses | Section 47-13-1360 |
| Proof of Test Required for Public Assembly of Horses | Section 47-13-1370 |
| False Certificates | Section 47-13-1390 |
| Unlawful to Feed Garbage to Swine | Section 47-15-20 |
| Notification Required from Certain Persons Disposing of Garbage | Section 47-15-40 |
| Sale of Uninspected Meat and Meat Products | Section 47-17-60 |

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Sale of Uninspected Poultry
and Poultry Product Section 47-19-70”

SECTION 9. Section 16-25-30 of the 1976 Code, as added by Act 59 of 2009, is amended to read:

“Section 16-25-30. (A) Notwithstanding the provisions of Section 16-23-30, it is unlawful for a person to ship, transport, receive, or possess a firearm or ammunition, if the person:

(1) has been convicted of a violation of Section 16-25-20(B) or 16-25-65, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(B) or Section 16-25-65;

(2) has been convicted of a violation of Section 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member;

(3) has been convicted of a violation of Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition;

(4) is subject to a valid order of protection issued by the family court pursuant to Chapter 4, Title 20, and the family court judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person’s own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the family court judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20; or

(5) is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic

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Violence Protection Orders Act, and the judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20.

(B) A person who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than five years, or both. A person who violates subsection (A)(2) or (A)(3) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. A person who violates subsection (A)(4) or (A)(5) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned more than thirty days, or both.

(C) A person must not be considered to have been convicted of domestic violence for purposes of this section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this section for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person must not be considered to have been convicted of domestic violence for purposes of this section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned.

(D) At the time a person is convicted of violating the provisions of Section 16-25-20 or 16-25-65, or upon the issuance of an order of protection pursuant to Chapter 4, Title 20, the court must deliver to the person a written form that conspicuously bears the following language: 'Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65, or a person who is subject to a valid order of protection pursuant to Chapter 4, Title 20, to ship, transport, possess, or receive a firearm or ammunition.'

(E) The provisions of this section prohibiting the possession of firearms and ammunition by persons who have been convicted of

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domestic violence shall apply to a person who has been convicted of domestic violence for:

(1) life, if the person has been convicted of a violation of Section 16-25-65, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-65;

(2) ten years from the date of conviction or the date the person is released from confinement for the conviction, whichever is later, if the person has been convicted of a violation of 16-25-20(B), or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(B);

(3) three years from the date of conviction or the date the person is released from confinement for the conviction, whichever is later, if the person has been convicted of a violation of Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition; or

(4) the duration of the order of protection, if the person is subject to a valid order of protection issued by the family court pursuant to Chapter 4, Title 20, and the family court judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the family court judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act and the judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition.

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(F)(1) Following the period of time established in subsection (E), if the person has not been convicted of any other domestic violence offenses pursuant to this article or similar offenses in another jurisdiction, no domestic violence charges are currently pending against the person, and the person is not otherwise prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition pursuant to any other State law, the person's right to ship, transport, receive, or possess a firearm or ammunition shall be restored.

(2) Following the period of time established in subsection (E), if the person requests in writing to the South Carolina Law Enforcement Division (SLED), SLED shall notify the National Instant Criminal Background Check System (NICS) that the State has restored the person's right to ship, transport, receive, or possess a firearm or ammunition, and shall request immediate removal of the person's name to whom the restrictions contained in this section apply."

Part III

Bond Reform

SECTION 10. Section 17-15-30 of the 1976 Code, as last amended by Act 144 of 2014, is further amended to read:

"Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at

other court proceedings.

(B) A court shall consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and

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(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section."

SECTION 11. Section 22-5-510 of the 1976 Code, as last amended by Act 144 of 2014, is further amended to read:

"Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event, including, but not limited to, any charges pending against the person requesting bail. 'Violent offenses' as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released

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within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at

other court proceedings.

(D) A court shall consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency shall provide the court with the following information:

- (1) the person's criminal record;
- (2) any charges pending against the person at the time release is requested;
- (3) all incident reports generated as a result of the offense charged; and
- (4) any other information that will assist the court in determining conditions of release.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding

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the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.”

SECTION 12. Section 17-15-10 of the 1976 Code is amended to read:

“Section 17-15-10. (A) ~~Any~~ A person charged with a noncapital offense triable in either the magistrates, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community or an individual will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

(1) require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;

(2) place the person in the custody of a designated person or organization agreeing to supervise him;

(3) place restrictions on the travel, association, or place of abode of the person during the period of release;

(4) impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) ~~Any~~ A person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.”

SECTION 13. Section 16-25-120 (A) and (B) of the 1976 Code are amended to read:

“(A) In addition to the provisions of Section 17-15-30, the court ~~may~~ must consider the factors provided in subsection (B) when considering release of a person on bond who is charged with a violent offense, as defined in Section 16-1-60, when the victim of the offense is a household member, as defined in Section 16-25-10, and the person:

(1) is subject to the terms of a valid order of protection or restraining order at the time of the offense in this State or another state;
or

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(2) has a previous conviction involving the violation of a valid order of protection or restraining order in this State or another state.

(B) The court ~~may~~ must consider the following factors before release of a person on bond who is subject to the provisions of subsection (A):

(1) whether the person has a history of ~~criminal~~ domestic violence, as defined in this article, or a history of other violent offenses, as defined in Section 16-1-60;

(2) the mental health of the person;

(3) whether the person has a history of violating the orders of a court or other governmental agency; and

(4) whether the person poses a potential threat to another person.”

SECTION 14. Section 17-15-50 of the 1976 Code is amended to read:

“Section 17-15-50. The court with jurisdiction of the offense ~~may~~, at any time after notice and hearing, may amend the order to impose additional or different conditions of release.”

SECTION 15. Section 17-15-55 of the 1976 Code, as last amended by Act 144 of 2014, is further amended by adding an appropriately lettered subsection at the end to read:

“() For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the circuit court for ten days from the date bond is first set on a charge by the summary court to determine if bond should be revoked.”

Part IV

Social Policy

SECTION 16. Section 16-25-70(A) and (B), as last amended by Act 319 of 2008, is further amended to read:

“(A) A law enforcement officer may arrest, with or without a warrant, a person at the person’s place of residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony pursuant to the provisions of Section 16-25-20(A) ~~or (D)~~, 16-25-65, or 16-25-125, even if the act did not take place in the presence of the officer. The officer may, if necessary, verify the existence of probable cause related to a violation pursuant to the provisions of this chapter by telephone or radio communication with the appropriate law enforcement agency. A law enforcement agency must complete an investigation of an alleged violation of this chapter even if the law enforcement agency was not notified at the time the alleged violation occurred. The investigation

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must be documented on an incident report form which must be maintained by the investigating agency. If an arrest warrant is sought, the law enforcement agency must present the results of the investigation and any other relevant evidence to a magistrate who may issue an arrest warrant if probable cause is established.

(B) A law enforcement officer ~~must~~ may arrest, with or without a warrant, a person at the person's place of residence or elsewhere if physical manifestations of injury to the alleged victim are present and the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of Section 16-25-20(A) ~~or (D)~~, or 16-25-65 even if the act did not take place in the presence of the officer. A law enforcement officer ~~is~~ may not ~~required to~~ make an arrest if he determines probable cause does not exist after consideration of the factors set forth in subsection (D) and observance that no physical manifestation of injury is present. The officer may, if necessary, verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement agency."

SECTION 17. Section 16-3-1110(8) of the 1976 Code is amended to read:

"(8) 'Victim' means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor. The term also includes a minor who is a witness to a domestic violence offense pursuant to Section 16-25-20 or Section 16-25-65."

SECTION 18. The Department of Social Services in consultation with the South Carolina Voucher Program is directed to study current regulations and policies to ensure a domestic violence survivor may apply for childcare and receive childcare services while living in a traditional shelter or while sheltering in the home. The availability of such childcare must be designed to assist the survivor in receiving necessary services related to the care of the child in order to encourage participation in relevant court hearings if the survivor so chooses. The Department of Social Services and the South Carolina Voucher Program shall review relevant regulations as provided in this SECTION and report to the General Assembly by January 1, 2016, on whether current regulations are sufficient to meet the requirements of this SECTION or new regulations must be submitted to the General Assembly.

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SECTION 19. Section 17-22-90(7) of the 1976 Code is amended to read:

“(7) if the offense is ~~first offense criminal~~ domestic violence pursuant to Section 16-25-20, agree in writing to successful completion of a batterer’s treatment program selected and approved by the Department of Social Services Circuit Solicitor with jurisdiction over the offense or the Attorney General if the offense is prosecuted by the Attorney General’s Office. If the offender moves to a different circuit after entering a treatment program selected by the Circuit Solicitor, the Circuit Solicitor for the county in which the offender resides shall have the authority to select and approve the batterer’s treatment program.”

SECTION 20. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Article 3

Domestic Violence Advisory Committee

Section 16-25-310. For purposes of this article:

(1) ‘Committee’ means the Domestic Violence Advisory Committee.

(2) ‘Household member’ means a household member as defined in Section 16-25-10.

(3) ‘Meeting’ means both in-person meetings and meetings through telephone conferencing.

(4) ‘Provider of medical care’ means a licensed health care practitioner who provides, or a licensed health care facility through which is provided, medical evaluation or treatment, including dental and mental health evaluation or treatment.

(5) ‘Working day’ means Monday through Friday, excluding official state holidays.

Section 16-25-320. (A) There is created a multidisciplinary Domestic Violence Advisory Committee composed of:

(1) the Attorney General of the State of South Carolina, or a designee, who serves ex officio;

(2) the Director of the South Carolina Department of Social Services, or a designee, who serves ex officio;

(3) the Director of the South Carolina Department of Health and Environmental Control, or a designee, who serves ex officio;

(4) the Director of the South Carolina Criminal Justice Academy, or a designee, who serves ex officio;

(5) the Chief of the South Carolina Law Enforcement Division, or a designee, who serves ex officio;

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(6) the Director of the South Carolina Department of Alcohol and Other Drug Abuse Services, or a designee, who serves ex officio;

(7) the Director of the South Carolina Department of Mental Health, or a designee, who serves ex officio;

(8) a county coroner or medical examiner, appointed by the Governor on the recommendation of the South Carolina Criminal Justice Academy, who serves ex officio;

(9) a solicitor, appointed by the Governor on the recommendation of the Attorney General, who serves ex officio;

(10) a sheriff, appointed by the Governor on the recommendation of the Sheriffs' Association;

(11) a victim advocate, appointed by the Governor on the recommendation of the State Office of Victim Assistance of the Office of the Governor;

(12) a physician with experience in treating victims of domestic violence, appointed by the Governor on the recommendation of the South Carolina Medical Association;

(13) two members of the public at large dedicated to the issue of domestic violence, appointed by the Governor;

(14) a police chief, appointed by the Governor on the recommendation of the Law Enforcement Officers' Association;

(15) one member of the South Carolina Senate, appointed by the Senate Judiciary Committee Chairman; and

(16) one member of the South Carolina House of Representatives, appointed by the House Judiciary Committee Chairman.

(B)(1) If an individual enumerated in items (A)(1) through (7) designates an employee to serve as the committee member, the designee must have administrative or program responsibilities for domestic violence.

(2) A member appointed by the Governor shall serve a term of four years and until a successor is appointed and qualifies.

(C) The members of the committee shall elect a chairman and vice chairman from among the membership by a majority vote. The chairman and vice chairman shall serve terms of two years.

(D) The committee shall hold meetings at least quarterly. A majority of the committee constitutes a quorum for the purpose of holding a meeting.

(E) Each ex officio member shall provide sufficient staff and administrative support to carry out the responsibilities of this article.

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Section 16-25-330. (A) The purpose of the Domestic Violence Advisory Committee is to decrease the incidences of domestic violence by:

- (1) developing an understanding of the causes and incidences of domestic violence;
- (2) developing plans for and implementing changes within the agencies represented on the committee which will prevent domestic violence; and
- (3) advising the Governor and the General Assembly on statutory, policy, and practice changes which will prevent domestic violence.

(B) To achieve its purpose, the committee shall:

- (1) undertake annual statistical studies of the incidences and causes of domestic violence in this State, including an analysis of:
 - (a) community and public and private agency involvement with the victims and their families;
 - (b) whether the abuser has a previous criminal record involving domestic violence or assault and battery;
 - (c) recidivism rates;
 - (d) the presence of alcohol or drug use;
 - (e) whether the abuser has participated in a batterer treatment program or other similar treatment program and the name of the program;
 - (f) the success or failure rate of approved treatment programs;
 - (g) married versus unmarried rates of violence; and
 - (h) the rate of domestic violence per county;
- (2) consider training, including cross-agency training, consultation, technical assistance needs, and service gaps that would decrease the likelihood of domestic violence;
- (3) determine the need for changes to any statute, regulation, policy, or procedure to decrease the incidences of domestic violence and include proposals for changes to statutes, regulations, policies, and procedures in the committee's annual report;
- (4) educate the public regarding the incidences and causes of domestic violence, specific steps the public can undertake to prevent domestic violence, and the support that civic, philanthropic, and public service organizations can provide in assisting the committee to educate the public;
- (5) develop and implement policies and procedures for its own governance and operation;

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(6) submit to the Governor and the General Assembly a publicly available annual written report and any other reports prepared by the committee including, but not limited to, the committee's findings and recommendations; and

(7) review closed domestic violence cases selected by the Attorney General or solicitor's representative on the committee to provide the commission with the best opportunity to fulfill its duties under the section.

Section 16-25-340. Upon request of the committee and as necessary to carry out the committee's purpose and duties, the committee immediately must be provided:

(1) by a provider of medical care, access to information and records regarding a person whose death is being reviewed by the department pursuant to this article;

(2) access to all information and records maintained by any state, county, or local government agency including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of social services and health agencies that provided services to the victim, alleged perpetrator, and other household members.

Section 16-25-350. When necessary in the discharge of the duties of the committee and upon application of the committee, the clerks of court shall issue a subpoena or subpoena duces tecum to any state, county, or local agency, board, or commission or to a representative of any state, county, or local agency, board, or commission or to a provider of medical care to compel the attendance of witnesses and production of documents, books, papers, correspondence, memoranda, and other relevant records to the discharge of the department's duties. Failure to obey a subpoena or subpoena duces tecum issued pursuant to this section may be punished as contempt.

Section 16-25-360. (A) Meetings of the committee are closed to the public and are not subject to Chapter 4, Title 30, the Freedom of Information Act, when the committee and department are discussing an individual case of a domestic violence.

(B) Except as provided in subsection (C), meetings of the committee are open to the public and subject to the Freedom of Information Act when the committee is not discussing an individual case of a domestic violence.

(C) Information identifying a victim or a household member, guardian, or caretaker of a victim, or an alleged or suspected perpetrator

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of domestic violence may not be disclosed during a public meeting, and information regarding the involvement of any agency with the victim, alleged perpetrator, and other household members may not be disclosed during a public meeting.

(D) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Section 16-25-370. (A) All information and records acquired by the committee in the exercise of their purposes and duties pursuant to this article are confidential, exempt from disclosure under Chapter 4, Title 30, the Freedom of Information Act, and only may be disclosed as necessary to carry out the committee's and department's duties and purposes.

(B) Statistical compilations of data which do not contain information that would permit the identification of a person to be ascertained are public records.

(C) Reports of the committee which do not contain information that would permit the identification of a person to be ascertained are public information.

(D) Except as necessary to carry out the committee's purposes and duties, members of the committee and persons attending their meeting may not disclose what transpired at a meeting which is not public under Section 16-25-360 and may not disclose information, the disclosure of which is prohibited by this section.

(E) Members of the committee, persons attending a committee meeting, and persons who present information to the committee may not be required to disclose in any civil or criminal proceeding information presented in or opinions formed as a result of a meeting, except that information available from other sources is not immune from introduction into evidence through those sources solely because it was presented during proceedings of the committee or department or because it is maintained by the committee or department. Nothing in this subsection prevents a person from testifying to information obtained independently of the committee or which is public information.

(F) Information, documents, and records of the committee are not subject to subpoena, discovery, or the Freedom of Information Act, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or the Freedom of Information Act through those sources solely because they were presented during proceedings of the committee or department or because they are maintained by the committee or department.

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(G) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.”

SECTION 21. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Article 5

Community Domestic Violence Coordinating Councils

Section 16-25-510. The circuit solicitor shall facilitate the development of community domestic violence coordinating councils in each county or judicial circuit based upon public-private sector collaboration.

Section 16-25-520. The purpose of a community domestic violence coordinating council is to:

- (1) increase the awareness and understanding of domestic violence and its consequences;
- (2) reduce the incidence of domestic violence in the county or area served; and
- (3) enhance and ensure the safety of battered individuals and their children.

Section 16-25-530. The duties and responsibilities of a community domestic violence coordinating council include, but are not limited to:

- (1) promoting effective strategies of intervention for identifying the existence of domestic violence and for intervention by public and private agencies;
- (2) establishing interdisciplinary and interagency protocols for intervention with survivors of domestic violence;
- (3) facilitating communication and cooperation among agencies and organizations that are responsible for addressing domestic violence;
- (4) monitoring, evaluating, and improving the quality and effectiveness of domestic violence services and protections in the community;
- (5) providing public education and prevention activities; and
- (6) providing professional training and continuing education activities.

Section 16-25-540. Membership on a community domestic violence coordinating council may include, but is not limited to, representatives from magistrates court, family court, law enforcement, solicitor’s office, probation and parole, batterer intervention programs or services, nonprofit battered individual’s program advocates, counseling services for children, legal services, victim assistance programs, the medical profession, substance abuse counseling programs, the clergy,

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survivors of domestic violence, local department of social services, and the education community. Members on the council shall develop memoranda of agreement among and between themselves to ensure clarity of roles and responsibilities in providing services to victims of domestic violence.

Section 16-25-550. Each community domestic violence coordinating council is responsible for generating revenue for its operation and administration.”

SECTION 22. Section 59-32-30(A)(2) of the 1976 Code is amended to read:

“(2) Beginning with the ~~1988-89~~ 1988-1989 school year, for grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade. Beginning with the 2016-2017 school year, for grades six through eight, instruction in comprehensive health education also must include the subject of domestic violence.”

SECTION 23. Section 43-1-260 of the 1976 Code is repealed.

Part V

Permanent Restraining Orders

SECTION 24. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 18

Permanent Restraining Orders

Section 16-3-1900. For purposes of this article:

(1) ‘Complainant’ means a victim of a criminal offense that occurred in this State, a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State, or a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(2) ‘Conviction’ means a conviction, adjudication of delinquency, guilty plea, nolo contendere plea, or forfeiture of bail.

(3) ‘Criminal offense’ means an offense against the person of an individual when physical or psychological harm occurs, including both

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common law and statutory offenses contained in Sections 16-3-1700, 16-3-1710, 16-3-1720, 16-3-1730, 16-25-20, 16-25-30, 16-25-65 and 23-3-430; criminal sexual conduct offenses pled down to assault and battery of a high and aggravated nature; domestic violence offenses pled down to assault and battery or assault and battery of a high and aggravated nature; and the common law offense of attempt, punishable pursuant to Section 16-1-80.

(4) 'Family' means a spouse, child, parent, sibling, or a person who regularly resides in the same household.

(5) 'Respondent' means a person who was convicted of a criminal offense for which the victim was the subject of the crime or the witness who assisted the prosecuting entity in prosecuting the criminal offense.

(6) 'Victim' means:

(a) a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a criminal offense; or

(b) the spouse, parent, child, or lawful representative of a victim who is deceased, a minor, incompetent, or physically or psychologically incapacitated.

'Victim' does not include a person who is the subject of an investigation for, charged with, or has been convicted of the offense in question; a person, including a spouse, parent, child, or lawful representative, who is acting on behalf of a suspect, juvenile offender, or defendant, unless such actions are required by law; or a person who was imprisoned or engaged in an illegal act at the time of the offense.

(7) 'Witness' means a person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to being called or likely to be called as a witness for the prosecution, whether or not any action or proceeding has been commenced.

Section 16-3-1910. (A) The circuit court and family court have jurisdiction over an action seeking a permanent restraining order.

(B) To seek a permanent restraining order, a person must:

(1) request the order in general sessions court or family court, as applicable, at the time the respondent is convicted for the criminal offense committed against the complainant; or

(2) file a summons and complaint in common pleas court in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

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(c) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) The following persons may seek a permanent restraining order:

- (1) a victim of a criminal offense that occurred in this State;
- (2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or
- (3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) A complaint must:

- (1) state that the respondent was a person convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;
- (2) state when and where the conviction took place, and the name of the prosecuting entity and court;
- (3) be verified; and
- (4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant's address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10, et seq. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The circuit court must provide forms to facilitate the preparation and filing of a summons and complaint for a permanent restraining order by a complainant not represented by counsel. The court must not charge a fee for filing a summons and complaint for a permanent restraining order.

(G) A complainant shall serve his summons and complaint for a permanent restraining order along with a notice of the date, time, and location of the hearing on the complaint pursuant to Rule 4 of the South Carolina Rules of Civil Procedure. The summons must require the respondent to answer or otherwise plead within thirty days of the date of service.

(H) The court may enter a permanent restraining order by default if the respondent was served in accordance with the provisions of this section and fails to answer as directed, or fails to appear on a subsequent appearance or hearing date agreed to by the parties or set by the court.

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(I) The hearing on a permanent restraining order may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(J) Upon a finding that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable, the court may issue a permanent restraining order. In determining whether to issue a permanent restraining order, physical injury to the victim or witness is not required.

(K) The terms of a permanent restraining order must protect the victim or witness and may include enjoining the respondent from:

- (1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim's or witness' family;
- (2) entering or attempting to enter the victim's or witness' place of residence, employment, education, or other location; and
- (3) communicating or attempting to communicate with the victim, witness, or members of the victim's or witness' family in a way that would violate the provisions of this section.

(L) A permanent restraining order must conspicuously bear the following language: 'Violation of this order is a felony criminal offense punishable by up to five years in prison.'

(M)(1) A permanent restraining order remains in effect for a period of time to be determined by the judge. If a victim or witness is a minor at the time a permanent restraining order is issued on the minor's behalf, the victim or witness, upon reaching the age of eighteen, may file a motion with the circuit court to have the permanent restraining order removed.

(2) The court may modify the terms of a permanent restraining order upon request of the complainant, including extending the duration of the order or lifting the order.

(N) Notwithstanding another provision of law, a permanent restraining order is enforceable throughout this State.

(O) Law enforcement officers shall arrest a respondent who is acting in violation of a permanent restraining order after service and notice of the order is provided. A respondent who is in violation of a permanent restraining order is guilty of a felony, if the underlying conviction that was the basis for the permanent restraining order was a

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felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the permanent restraining order was a misdemeanor, a respondent who is in violation of a permanent restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

(P) Permanent restraining orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Article 3, Chapter 4, Title 20, are met. However, permanent restraining orders are not orders of protection for purposes of Section 16-25-30.

(Q) The remedies provided by this section are not exclusive, but are additional to other remedies provided by law.

Section 16-3-1920. (A) The magistrates court has jurisdiction over an action seeking an emergency restraining order.

(B) An action for an emergency restraining order must be filed in the county in which:

- (1) the respondent resides when the action commences;
- (2) the criminal offense occurred; or
- (3) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) A summons and complaint for an emergency restraining order may be filed by:

- (1) a victim of a criminal offense that occurred in this State;
- (2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or
- (3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) The complaint must:

- (1) state that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;
- (2) state when and where the conviction took place, and the name of the prosecuting entity and court;
- (3) be verified; and
- (4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant's address must be kept under seal, omitted from all documents filed with the court, and

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is not subject to Freedom of Information Act requests pursuant to Section 30-4-10, et seq. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The court must provide forms to facilitate the preparation and filing of a summons and complaint for an emergency restraining order by a complainant not represented by counsel. The court must not charge a fee for filing a summons and complaint for an emergency restraining order.

(G)(1) Except as provided in subsection (H), the court shall hold a hearing on an emergency restraining order within fifteen days of the filing of a summons and complaint, but not sooner than five days after service has been perfected upon the respondent.

(2) The court shall serve a copy of the summons and complaint upon the respondent at least five days before the hearing in the same manner required for service as provided in the South Carolina Rules of Civil Procedure.

(3) The hearing may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(4) The court may issue an emergency restraining order upon a finding that:

(a) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable; and

(b) a restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order.

In determining whether to issue an emergency restraining order, physical injury to the victim or witness is not required.

(H)(1) Within twenty-four hours after the filing of a summons and complaint seeking an emergency restraining order, the court may hold an emergency hearing and issue an emergency restraining order without giving the respondent notice of the motion for the order if:

(a) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable;

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(b) a restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order;

(c) it clearly appears from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim or witness before the respondent can be heard; and

(d) the complainant certifies to the court that one of the following has occurred:

(i) efforts have been made to serve the notice; or

(ii) there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given prior notice of the complainant's efforts to obtain judicial relief.

In determining whether to issue an emergency restraining order, physical injury to the victim or witness is not required.

(2) An emergency restraining order granted without notice must be endorsed with the date and hour of issuance and entered on the record with the magistrates court. The order must be served upon the respondent together with a copy of the summons, complaint, and a Rule to Show Cause why the order should not be extended until the hearing for a permanent restraining order.

(I) The terms of an emergency restraining order must protect the victim or witness and may include temporarily enjoining the respondent from:

(1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim's or witness' family;

(2) entering or attempting to enter the victim's or witness' place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the victim, witness, or members of the victim's or witness' family in a way that would violate the provisions of this section.

(J) An emergency restraining order conspicuously must bear the following language: 'Violation of this order is a felony criminal offense punishable by up to five years in prison.'

(K) The court shall serve the respondent with a certified copy of the emergency restraining order and provide a copy to the complainant and to the local law enforcement agencies having jurisdiction over the area where the victim or witness resides. Service must be made without charge to the complainant.

(L)(1) An emergency restraining order remains in effect until a hearing on a restraining order. However, if a complainant does not seek

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a permanent restraining order pursuant to Section 16-3-1910 within forty-five days of the issuance of an emergency restraining order, the emergency restraining order no longer remains in effect.

(2) The court may modify the terms of an emergency restraining order.

(M) Notwithstanding another provision of law, an emergency restraining order is enforceable throughout this State.

(N) Law enforcement officers shall arrest a respondent who is acting in violation of an emergency restraining order after service and notice of the order is provided. An arrest warrant is not required. A respondent who is in violation of a emergency restraining order is guilty of a felony, if the underlying conviction that was the basis for the emergency restraining order was a felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the emergency restraining order was a misdemeanor, a respondent who is in violation of a emergency restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

(O) Emergency restraining orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Article 3, Chapter 4, Title 20 are met. However, permanent restraining orders are not orders of protection for purposes of Section 16-25-30.

(P) The remedies provided by this section are not exclusive but are additional to other remedies provided by law.”

Part VI

Expungement

SECTION 25. Section 22-5-910 of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

“Section 22-5-910. (A) Following a first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this ~~section~~ subsection does not apply to:

- (1) an offense involving the operation of a motor vehicle; or
- (2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; ~~or~~

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~~(3) an offense contained in Chapter 25, Title 16, except first offense criminal domestic violence as contained in Section 16-25-20, which may be expunged five years from the date of the conviction.~~

(B) Following a first offense conviction for domestic violence in the third degree pursuant to Section 16-25-20(D), the defendant after five years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant has had no other conviction during the three-year period as provided in subsection (A), or during the five-year period as provided in subsection (A)(3)(B), following the first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than one thousand dollars, or both, including a conviction in magistrates or general sessions court, the circuit court may issue an order expunging the records including any associated bench warrant. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.

~~(C)(D)~~ After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

~~(D)(E)~~ As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.”

Part VII

Domestic Violence Risk Assessors

SECTION 26. Article 1, Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16-25-75. (A) Each municipal and county law enforcement agency shall create an Office of Domestic Violence Risk Assessment. At least one domestic violence risk assessor who must be licensed pursuant to Chapters 55, 63, or 75, respectively, of Title 40 relating to licensed social workers, licensed counselors, and licensed psychologists must be employed by the office.

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(B) A domestic violence risk assessor must assess and make recommendations to the arresting law enforcement officer on whether or not any charges should be made or sustained. Recommendations made by the domestic violence risk assessor must be provided in the incident report. Any communications between the domestic violence risk assessor and the victim and the person alleged to have committed a domestic violence offense is privileged and may not be used as evidence in a court of law.

(C) When a person is arrested for a domestic violence offense before a bond hearing may be held, a risk assessment must be performed by a domestic violence risk assessor to determine a person's probability of recidivism and level of threat to the victim or the victim's family. When determining bond, the court must take into consideration the risk assessor's report.

(D) The Law Enforcement Training Council, in consultation with a member of the South Carolina Association of Criminal Defense Attorneys appointed by the president of the association, shall recommend guidelines, policies, and procedures related to the implementation of the provisions of this section including, but not limited to, specifying the duties of domestic violence risk assessors which must ensure they are trained in and include in their recommendations, as necessary, anger management, alcohol and drug abuse counseling, and domestic violence intervention program participation."

SECTION 27. A. Section 14-1-206 (A) and (C), as last amended by Act 353 of 2008, is further amended to read:

“(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in general sessions court must pay an amount equal to ~~407.5~~ 117.5 percent of the fine imposed as an assessment. This assessment must be paid to the clerk of court in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of assessments received as follows:

(1) 42.08 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

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(2) 14.74 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .45 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 14.46 percent to the Office of Indigent Defense for the defense of indigents;

(5) 11.83 percent for the State Office of Victim Assistance;

(6) 15.39 percent to the general fund;

(7) .89 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, "complex criminal litigation" means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel, and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a "first received, first paid" basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; ~~and~~

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments; and

(9) 10 percent to each municipal and county law enforcement agency required to employ a domestic violence risk assessor by the provisions of Section 16-25-75 to be distributed on a per capita basis for the purpose of off-setting the costs of the domestic violence risk assessors' offices."

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B. Section 14-1-207(A) and (C), as last amended by Act 353 of 2008, is further amended to read:

“(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in magistrates court must pay an amount equal to ~~407.5~~ 117.5 percent of the fine imposed as an assessment. This assessment must be paid to the magistrate and deposited as required by Section 22-1-70 in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56-3-1970, 56-5-2510, and 56-5-2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 32.36 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

(2) 20.72 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .60 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 18.82 percent for the State Office of Victim Assistance;

(5) 15.93 percent to the general fund;

(6) 10.49 percent to the Office of Indigent Defense for the defense of indigents;

(7) .92 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, “complex criminal litigation” means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant’s counsel and the county involved has expended more than two hundred fifty thousand

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dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a "first received, first paid" basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; ~~and~~

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments; and

(9) 10 percent to each municipal and county law enforcement agency required to employ a domestic violence risk assessor by the provisions of Section 16-25-75 to be distributed on a per capita basis for the purpose of off-setting the costs of the domestic violence risk assessors' offices."

C. Section 14-1-208(A) and (C), as last amended by Act 353 of 2008, is further amended to read:

"(A) A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to ~~107.5~~ 117.5 percent of the fine imposed as an assessment. This assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56-3-1970, 56-5-2510, and 56-5-2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 14.04 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

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(2) 13.89 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .36 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus for the purpose of defraying the costs of maintaining and operating the Hall of Fame;

(4) 10.38 percent for the State Office of Victim Assistance;

(5) 11.53 percent to the general fund;

(6) 10.56 percent to the Office of Indigent Defense for the defense of indigents;

(7) .89 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;

(8) .54 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, "complex criminal litigation" means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel and the county involved has expended more than one hundred thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution-related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a 'first received, first paid' basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year;

(9)(a) 9.16 percent to the Department of Public Safety for the programs established pursuant to Section 56-5-2953(E); and

(b) 1.31 percent to SLED for the programs established pursuant to Section 56-5-2953(E);

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(10) 13.61 percent to the Governor’s Task Force on Litter and in the expenditure of these funds, the provisions of Chapter 35 of Title 11 do not apply;

(11) 13.61 percent to the Department of Juvenile Justice. The Department of Juvenile Justice must apply the funds generated by this item to offset the nonstate share of allowable costs of operating juvenile detention centers so that per diem costs charged to local governments utilizing the juvenile detention centers do not exceed twenty-five dollars a day. Notwithstanding this provision of law, the director of the department may waive, reduce, defer, or reimburse the charges paid by local governments for juvenile detention placements. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with regional evaluation centers; ~~and~~

(12) .12 percent to the Office of the State Treasurer to defray the administrative expenses associated with the collecting and distributing the revenue of these assessments; and

(13) 10 percent to each municipal and county law enforcement agency required to employ a domestic violence risk assessor by the provisions of Section 16-25-75 to be distributed on a per capita basis for the purpose of off-setting the costs of the domestic violence risk assessors’ offices.”

Part VIII

Savings Clause, Severability Clause, and Effective Date

SECTION 28. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 29. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act,

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and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 30. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Rep. ERICKSON explained the amendment.
The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 104; Nays 0

Those who voted in the affirmative are:

| | | |
|-------------|--------------|----------------|
| Allison | Anthony | Atwater |
| Bales | Bamberg | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clary | Clemmons | Cole |
| Collins | Corley | H. A. Crawford |
| Crosby | Delleney | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Henderson |
| Henegan | Herbkersman | Hicks |
| Hill | Hiott | Hixon |
| Hodges | Horne | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Kirby |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McKnight | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | Murphy |

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|-------------|-------------|-------------|
| Nanney | Neal | Newton |
| Norman | Norrell | Ott |
| Parks | Pitts | Pope |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tinkler | Toole |
| Wells | White | Williams |
| Willis | Yow | |

Total--104

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 3. If I had been present, I would have voted in favor of the Bill.

Rep. Carl L. Anderson

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 3. If I had been present, I would have voted in favor of the Bill.

Rep. Nathan Ballentine

RECORDS FOR VOTING

We were attending former Rep. Kennedy's funeral and missed the vote on S. 3. If we had been present, we would have voted in favor of the Bill.

Reps. William Clyburn and Rep. Terry Alexander

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Rep. D. C. MOSS moved that the House do now adjourn, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3905 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LITTLE PEE DEE RIVER ALONG SOUTH CAROLINA HIGHWAY 57 IN DILLON COUNTY "MCINNIS BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

H. 3924 -- Reps. Hayes, George and McEachern: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF E. REAVES AVENUE FROM ITS INTERSECTION WITH FOREST DRIVE TO ITS INTERSECTION WITH JOAN DRIVE, THE PORTION OF JOAN DRIVE FROM ITS INTERSECTION WITH E. REAVES AVENUE TO ITS INTERSECTION WITH STAFFORD COURT, AND THE PORTION OF STAFFORD COURT FROM ITS INTERSECTION WITH JOAN DRIVE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "SUPERINTENDENT D. RAY ROGERS II WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF FOREST DRIVE AND E. REAVES AVENUE AND AT THE INTERSECTION OF UNITED STATES HIGHWAY 301 AND STAFFORD COURT THAT CONTAIN THIS DESIGNATION.

H. 4008 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF CALHOUN STREET AND MCARTHUR AVENUE IN THE TOWN OF DILLON "MAJOR BETHEA INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THIS DESIGNATION.

H. 4186 -- Reps. H. A. Crawford, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown,

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R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND JOEY TRAIL, AN ENGLISH LANGUAGE ARTS TEACHER AT FORESTBROOK MIDDLE SCHOOL, FOR HIS COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA AND TO CONGRATULATE HIM UPON BEING NAMED THE 2015-2016 TEACHER OF THE YEAR FOR HORRY COUNTY SCHOOLS.

ADJOURNMENT

At 3:13 p.m. the House, in accordance with the motion of Rep. LONG, adjourned in memory of Franklin "Frankie" Campbell of Fort Mill, to meet at 10:00 a.m. tomorrow.

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| H. 3008 | 27, 40 | S. 3 | 31, 49, 50, 94 |
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| H. 3450 | 36 | S. 133 | 15 |
| H. 3521 | 9 | S. 199 | 34 |
| H. 3862 | 37 | S. 211 | 32 |
| H. 3878 | 10, 26, 39, 48 | S. 250 | 35 |
| H. 3905 | 95 | S. 261 | 23 |
| H. 3909 | 9, 18, 19, 21 | S. 268 | 10, 11, 13 |
| H. 3924 | 95 | S. 301 | 28, 45 |
| H. 3972 | 36 | S. 304 | 30 |
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| H. 4084 | 23 | S. 389 | 31, 47 |
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| H. 4198 | 1 | S. 441 | 28, 41 |
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| H. 4200 | 2 | S. 590 | 9 |
| H. 4201 | 3 | S. 592 | 27, 41 |
| H. 4202 | 4 | S. 731 | 5 |
| H. 4203 | 4 | S. 732 | 5 |
| H. 4204 | 37 | S. 741 | 5 |
| H. 4205 | 38 | S. 742 | 5 |
| H. 4206 | 39 | | |
| H. 4207 | 47 | | |
| H. 4208 | 48 | | |