~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 16, 2017

**S. 271**

Introduced by Senator Allen

S. Printed 3/16/17--S.

Read the first time January 24, 2017.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 271) to amend the Code of Laws of South Carolina, 1976, by adding Section 24‑3‑220 so as to establish a procedure to allow an inmate who the department, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

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

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

“Section 24‑3‑220. (A) Notwithstanding another provision of law, when the parent or parent substitute identified on an inmate’s visitation list, sibling, spouse, child, grandparent, or grandchild of an inmate becomes seriously ill to the point of imminent death, or dies, and when the department has determined that there is no security risk to the public or institution, an inmate must be offered the choice either to attend the person’s viewing or funeral service or, prior to the person’s death, to visit the person in the hospital. The location of the viewing, funeral, or hospital visit must be in South Carolina.

(B) The department must verify the person’s relationship to the inmate and the person’s illness or death.

(C) The department shall provide the necessary security and transportation for the inmate. The department also may engage the services of the sheriff of the county in which the funeral service or hospital visit is located, in order to provide the necessary security and transportation for the inmate. The department or sheriff may collect the actual cost for security and transportation. The charge may not exceed the actual expense incurred by the department or sheriff. The charge must be collected in advance from a third party on behalf of the inmate or, if no third party pays, through a deduction from the inmate’s trust account.

(D) When applicable, the department shall notify the victim of the crime, of which the inmate was convicted or adjudicated guilty of committing, or the relatives of the victim who have applied for notification, as provided in Section 16-3-1530.” /

Renumber sections to conform.

Amend title to conform.

SHANE R. MARTIN for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑220 SO AS TO ESTABLISH A PROCEDURE TO ALLOW AN INMATE WHO THE DEPARTMENT HAS DETERMINED IS NOT A SECURITY RISK AND CONFINED IN A DEPARTMENT OF CORRECTIONS’ FACILITY TO ATTEND THE FUNERAL SERVICE OF CERTAIN INDIVIDUALS AND VISIT CERTAIN INDIVIDUALS WHILE THEY ARE HOSPITALIZED, AND TO PROVIDE FOR THE TRANSPORTATION OF THE INMATE; AND TO AMEND SECTION 24‑3‑210, RELATING TO FURLOUGHS FOR QUALIFIED INMATES, SO AS TO DELETE THE PROVISION THAT ALLOWS AN INMATE TO ATTEND THE FUNERAL OF CERTAIN PERSONS.

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

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

“Section 24‑3‑220. (A) Notwithstanding another provision of law, when the parent or parent substitute, sibling, spouse, child, grandparent, or grandchild of an inmate becomes seriously ill to the point of imminent death or dies, and when the department has determined that there is no security risk, an inmate must be offered the choice to either attend the person’s viewing, funeral service, or, prior to the person’s death, visit the person in the hospital. The location of the funeral or hospital visit must be in South Carolina.

(B) The department must verify the person’s relationship to the inmate and either the person’s illness or death.

(C) The department shall provide the necessary security and transportation for the inmate. The department also may engage the services of the sheriff of the county in which the funeral service or hospital visit is located to provide the necessary security and transportation for the inmate. The department or sheriff may collect the actual cost for security and transportation. The charge may not exceed the actual expense incurred by the department or sheriff. This charge must be collected from a third party on behalf of the inmate or, if no third party pays, through a deduction from the inmate’s trust account.”

SECTION 2. Section 24‑3‑210(A)(5) of the 1976 Code is amended to read:

“(5) visit ~~or attend the funeral of~~ a spouse, child (including stepchild, adopted child, or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person, though not a natural parent, who has acted in the place of a parent), brother, or sister.”

SECTION 3. This act takes effect upon approval by the Governor.

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