AS PASSED BY THE SENATE

May 10, 2018

**H. 3055**

Introduced by Reps. Robinson‑Simpson, Clyburn, Gilliard, Mack, King and Henegan

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Read the first time March 29, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “RESTORATIVE JUVENILE PRACTICES AND APPROACHES ACT” BY CREATING THE “JUVENILE RESTORATIVE PRACTICES STUDY COMMITTEE” TO REVIEW JUVENILE JUSTICE LAWS AND MAKE RECOMMENDATIONS CONCERNING RELATED REFORMS; AND TO PROVIDE FOR THE COMPOSITION, DUTIES, STAFFING, AND DISSOLUTION OF THE COMMITTEE.

Amend Title To Conform

Whereas, the South Carolina General Assembly finds that factors which contribute substantially to juvenile delinquency may be mitigated with restorative practices; and

Whereas, the South Carolina General Assembly finds that restorative practices should encompass all fields where justice is practiced to include juvenile justice, schools, families, victims organizations, and workplaces; and

Whereas, the South Carolina General Assembly finds that a safe and well‑educated population is fundamental to the stability and growth of our State and nation; and

Whereas, the South Carolina General Assembly finds that in our efforts to provide a safe and secure learning environment for all, we must be wary of creating unintended consequences that have a counterproductive impact on some students who need help the most. Now, therefore,

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

SECTION 1. This act may be cited as the “Restorative Juvenile Practices and Approaches Act”.

SECTION 2. There is created the “Juvenile Restorative Practices Study Committee” to review the juvenile justice laws of the State and determine the need to reform juvenile justice policies, practices, and programs in the State of South Carolina to improve outcomes for children who are at risk of entering, or who have entered, the juvenile justice system.

SECTION 3. (A) The study committee shall review relevant statutes and regulations, as well as policies, practices, and programs of schools, the Department of Juvenile Justice, the Department of Social Services, the Department of Mental Health, law enforcement, the courts, and any other public institutions or private organizations the study committee determines appropriate. The study committee shall take into consideration relevant data and statistics as part of the review process including, but not limited to:

(1) the range and frequency of disciplinary measures used by schools, law enforcement, and the courts;

(2) any correlation between student demographics, including gender, race, and age, with disciplinary measures used and the range and frequency of misconduct resulting in the use of discipline whether by a school, law enforcement, or the courts;

(3) the prevalence of a history of child abuse or neglect, and of mental health evaluations, diagnoses, or treatment for children who are at risk of entering, or who have entered, the juvenile justice system; and

(4) the range of services provided to children who are at risk of entering, or who have entered, the juvenile justice system by schools, the Department of Juvenile Justice, the Department of Social Services, the Department of Mental Health, law enforcement, the courts, and community organizations.

(B) The study committee shall make recommendations to the General Assembly concerning proposed changes to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative approaches to include modification, expansion, or termination of existing programs and methods.

(C) The study committee must be composed of thirteen members appointed as follows:

(1) one member appointed by the Executive Director of the South Carolina Commission of Indigent Defense;

(2) one member appointed by the Executive Director of the South Carolina Commission on Prosecution Coordination;

(3) one member appointed by the Director of the South Carolina Department of Social Services or his designee;

(4) one member appointed by the Director of the Department of Juvenile Justice, one of whom must be currently employed in a Department of Juvenile Justice County office;

(5) one sitting Family Court Judge appointed by the Chief Justice of South Carolina;

(6) one member appointed by the Director of Mental Health;

(7) one member appointed by the Superintendent of Education;

(8) three of whom shall be members of the Senate, appointed by the Chair of the Senate Judiciary Committee or his designee;

(9) three of whom shall be members of the House of Representatives, appointed by the Chairman of the House Judiciary Committee or his designee.

(D) Vacancies in the membership of the study committee must be filled for the remainder of the unexpired term in the manner of original appointment. Commission members may not be compensated for their service and may not receive mileage, per diem, or subsistence as otherwise provided by law for members of state boards, committees, and commissions.

(E) The Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee shall provide appropriate staffing for the study committee.

(F) The study committee shall make a report of its recommendations to the General Assembly before September 1, 2019, at which time the study committee must be dissolved and only may be renewed by permanent statutory and a codified provision.

SECTION 4. 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, 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 5. This act takes effect upon approval of the Governor.

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