**A** **BILL**

TO AMEND ARTICLE 9, CHAPTER 3, TITLE 24 OF THE 1976 CODE, RELATING TO MISCELLANEOUS PROVISIONS INVOLVING THE STATE PRISON SYSTEM, BY ADDING SECTION 24-3-975, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, IT IS UNLAWFUL TO POSSESS WITHIN OR INTRODUCE UPON THE GROUNDS OF A CORRECTIONAL FACILITY A TELECOMMUNICATION DEVICE, TO DEFINE THE TERM “TELECOMMUNICATION DEVICE,” TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE FOR THE COURTS IN WHICH A VIOLATION OF THIS PROVISION MUST BE ADJUDICATED.

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

SECTION 1. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24-3-975. (A) For purposes of this section, a ‘telecommunication device’ means a device, an apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person inside or outside of a place of incarceration. Such devices include, but are not limited to, portable two-way pagers, handheld radios, cellular telephones, personal digital assistants or PDAs, laptop computers, or any components of these devices. ‘Telecommunication device’ also includes any new technology that is developed or used for similar purposes.

(B) Except as authorized by the appropriate official in charge of the correctional institution, it is unlawful to possess within or to introduce into or upon the grounds of any state correctional institution, county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility any telecommunication device.

(C) A person who violates the provisions of this section:

(1) for a first offense, if the number of telecommunication devices seized is less than three, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, regardless of the number of telecommunication devices seized, or for a first offense if the number of telecommunication devices seized is more than two, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both; and

(3) for a third or subsequent offense, regardless of the number of telecommunication devices seized, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both.

(D) Notwithstanding another provision of law, a person charged with a violation of subsection (C)(1) or (2) must be tried exclusively in magistrates court while a person charged with a violation of subsection (C)(3) must be tried exclusively in circuit court.”

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

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