**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4001**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bailey

Document Path: LC-0137AHB23.docx

Introduced in the House on February 21, 2023

Currently residing in the House

Summary: Bond, electronic monitoring of certain offenders

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/21/2023 House Introduced and read first time (House Journal‑page 25)

 2/21/2023 House Referred to Committee on **Judiciary** (House Journal‑page 25)

 2/24/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[02/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4001_20230221.docx)

[02/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4001_20230224.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17‑15‑10, RELATING TO RELEASE ON BOND OF PERSONS CHARGED WITH NONCAPITAL OFFENSES SO AS TO REQUIRE DEFENDANTS SUBJECT TO ORDERS OF PROTECTION OR WHO HAVE BEEN CHARGED WITH VIOLENT CRIMES TO BE PLACED ON ACTIVE ELECTRONIC MONITORING BY THE COURT, TO PROVIDE PARAMETERS FOR ELECTRONIC MONITORING, TO PROVIDE DEFENDANTs MUST PAY THE COSTS OF ELECTRONIC MONITORING WITH EXCEPTIONS FOR SEVERE HARDSHIPS, AND TO PROVIDE A PENALTY FOR REMOVING OR TAMPERING WITH ELECTRONIC MONITORING DEVICEs; AND TO DIRECT THE OFFICE OF INDIGENT DEFENSE TO CREATE AN ELECTRONIC MONITORING FUND.

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

SECTION 1. Section 17‑15‑10 of the S.C. Code is amended by adding:

 (C) If a court grants the release of a defendant who is subject to an order of protection or charged with a violent crime, as defined by Section 16‑1‑60, when there is a specific victim, the court must place the defendant on active electronic monitoring as an additional condition of release on bond. The court shall ensure that the active electronic monitoring device is assigned to and installed on the defendant by an entity licensed by the State at the time of release on bond. The active electronic monitoring device must have GPS cell phone‑based technology with GEO Fencing capability and be capable of recording the defendant’s location at all times. The active electronic monitoring device must be set to send electronic notifications to the victim, defendant, local law enforcement, and entities responsible for any bond for the defendant’s release.

 (1) The defendant must be charged for the cost of the active electronic monitoring device and the operation of the active electronic monitoring device for the duration of the time the defendant is required to be electronically monitored. The court may exempt a defendant from the payment of a part or all of the cost during a part or all of the duration of the time the defendant is required to be electronically monitored, if it is determined that exceptional circumstances exist such that these payments will cause a severe hardship to the defendant. In such case, the defendant may apply to the Office on Indigent Defense for assistance from a fund set up for this purpose.

 (2) A defendant who intentionally removes, tampers with, defaces, alters, damages, or destroys an active electronic monitoring device must be considered to have violated the terms of the bond and must be punished as provided in Section 24‑13‑425, tampering with the operation of an electronic monitoring device.

SECTION 2. The Office of Indigent Defense shall create the Electronic Monitoring Fund for defendants found by the court to possess a severe hardship such that they are unable to pay the costs of electronic monitoring ordered by the court pursuant to Section 17‑15‑10(C)(1).

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

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