

Mandatory Remote Release – Proposed Statutory Language

Included in the Department of Corrections' (SCDC) February 19, 2020 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's January 30, 2020, letter to the Department of Corrections: "7. As a follow up to a prior letter (January 16, 2020 – Question 10), please provide a framework and statutory or proviso language for expanding remote release from counties.¹"

In addition to providing the information in this document, SCDC provided the following response:

- Please see attached Mandatory Remote Release.

¹ SCDC Response to LOC (January 16, 2020), Question #10

Would SCDC support a recommendation that would mandate local facilities utilize remote release? If so, what statutory or proviso language would SCDC recommend?

In some cases, inmates are obviously a candidate for remote release. However, since good time is not applied until the inmate arrives at Reception & Evaluation, many counties were not aware the inmate could have been remote released. If this mandate were to be implemented, the counties would need to be directed to utilize the maxout calculation application available on the SCDC website to determine a tentative release date. SCDC would support a recommendation and will work with the counties to draft statutory or proviso language.

Mandatory Remote Release

Proposed Statutory Language:

When the court sentences a criminal defendant to an active sentence of “time served” and the sentence is in excess of ninety (90) days, or the court sentences a criminal defendant to an active sentence in excess of ninety (90) days that the county detention center reasonably believes has already been satisfied due to the time the defendant has already served in the county jail, the county is required to initiate the remote release process.

The “remote release process” is defined as the process whereby the county transmits the appropriate paperwork to SCDC to request that the defendant be released directly from the county. If SCDC determines that the defendant’s sentence has been served or satisfied, the sentence is entered into SCDC’s computer system using the paperwork transmitted from the county jail, and the defendant is released from the county jail without being transported to SCDC. SCDC is responsible for ensuring that all statutory requirements are met before the county releases an inmate remotely from the county detention center.