

Session 126 - (2025-2026)

S 0149 General Bill, By Devine

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA JUVENILE JUSTICE REFORM ACT"; BY AMENDING SECTION 63-1-20, RELATING TO POLICY REGARDING THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO INCLUDE WITHIN THE STATEMENT A PROVISION TO ESTABLISH A POLICY REGARDING THE CARE AND GUIDANCE OF CHILDREN WITHIN THE JUVENILE JUSTICE SYSTEM; SO AS TO ADD ARTICLE 6 TO CHAPTER 19, TITLE 63, SO AS TO REQUIRE EACH CIRCUIT SOLICITOR TO ESTABLISH A JUVENILE OFFENDER CIVIL CITATION PROGRAM TO PROVIDE A CIVIL DIVERSION PROGRAM FOR CHILDREN WHO HAVE COMMITTED ACTS OF DELINQUENCY, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; BY AMENDING SECTION 16-17-425, RELATING TO STUDENT THREATS, SO AS TO ESTABLISH THAT IT IS UNLAWFUL FOR A STUDENT TO MAKE A THREAT TO COMMIT AN ACT OF MASS VIOLENCE AT A SCHOOL, COLLEGE, OR UNIVERSITY, OR AT A SCHOOL, COLLEGE, OR UNIVERSITY SPONSORED ACTIVITY, AND TO PROVIDE PENALTIES; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING A WEAPON ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO CARRY, WHILE ON ELEMENTARY OR SECONDARY SCHOOL PROPERTY, A KNIFE, FIREARM, OR OTHER WEAPON WITH THE INTENT BY THE PERSON TO INFLICT SERIOUS BODILY INJURY OR DEATH; BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS, SO AS TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM; BY AMENDING SECTION 63-3-520, RELATING TO THE TRAFFIC AND WILDLIFE JURISDICTION, SO AS TO INCREASE THE AGE OF CONCURRENT JURISDICTION FROM PERSONS UNDER SEVENTEEN YEARS OF AGE TO PERSONS UNDER EIGHTEEN YEARS OF AGE; BY AMENDING SECTION 63-7-310, RELATING TO PERSONS REQUIRED TO REPORT, SO AS TO REMOVE THE REQUIREMENT THAT A PERSON EMPLOYED BY A LAWYER MUST REPORT SUSPECTED ABUSE IF THE SUSPICION ARISES IN THE COURSE OF THE LEGAL REPRESENTATION; BY AMENDING SECTION 63-19-20, RELATING TO DEFINITIONS, SO AS TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM; BY ADDING ARTICLE 2 TO CHAPTER 19, TITLE 63, SO AS TO ESTABLISH THE "CHILDREN'S BILL OF RIGHTS," TO PROVIDE THAT A CHILD HAS THE RIGHT TO BE TREATED WITH BASIC HUMAN DIGNITY, TO BE PROVIDED NECESSARY CARE, MEDICAL TREATMENT, FOOD, EDUCATION, ACCESS TO FAMILY, ADVOCATES, AND LAWYERS, AND TO BE FREE FROM ABUSE, NEGLECT, AND HARASSMENT, AND TO PROVIDE FOR THE APPLICATION OF THESE RIGHTS; BY ADDING SECTION 63-19-210 SO AS TO REQUIRE THAT LAW ENFORCEMENT MUST ARRANGE FOR A CHILD FIFTEEN YEARS OF AGE OR YOUNGER TO MEET WITH LEGAL COUNSEL PRIOR TO A CUSTODIAL INTERROGATION EXCEPT FOR CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 63-19-340, RELATING TO ANNUAL REPORTS, SO AS TO PROVIDE THAT THE REPORT MUST INCLUDE SPECIFIC STATISTICS RELATING TO CHILDREN REFERRED TO THE DEPARTMENT; BY AMENDING SECTION 63-19-350, RELATING TO COMMUNITY SERVICES, SO AS TO REQUIRE THE DEPARTMENT TO DEVELOP AND UTILIZE STRUCTURED DECISION-MAKING TOOLS FOR ALL KEY POINTS OF THE JUVENILE JUSTICE PROCESS; BY AMENDING SECTION 63-19-360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO REQUIRE THE CHILD EVALUATION TO BE CONDUCTED BY THE DEPARTMENT TO INCLUDE A BIOPSYCHOSOCIAL ASSESSMENT AND A DETERMINATION OF THE CHILD'S MENTAL HEALTH FUNCTIONING; BY ADDING SECTION 63-19-362 SO AS TO REQUIRE THAT BEFORE SUBMITTING A PETITION FOR A CHILD IN ITS CUSTODY FOR A MISDEMEANOR THAT WOULD CARRY A MAXIMUM TERM OF IMPRISONMENT OF FIVE YEARS OR LESS, THE DEPARTMENT OF JUVENILE JUSTICE MUST ATTEMPT TO RESOLVE THE SITUATION THROUGH AVAILABLE ADMINISTRATIVE APPROACHES; BY ADDING SECTION 63-19-365 SO AS TO PROHIBIT THE USE OF SOLITARY CONFINEMENT ON A CHILD AND PROVIDE LIMITS FOR THE USE OF CORRECTIVE ROOM RESTRICTIONS UPON CHILDREN WITHIN THE CUSTODY OF THE DEPARTMENT; BY AMENDING SECTION 63-19-370, RELATING TO INTERDEPARTMENTAL AGREEMENTS, SO AS TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO ESTABLISH AGREEMENTS WITH THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF EDUCATION TO PROVIDE REENTRY SERVICES FOR CHILDREN RETURNING TO SCHOOLS AND COMMUNITIES FROM THE DEPARTMENT'S CUSTODY; BY ADDING SECTION 63-19-500 SO AS TO REQUIRE THAT THE DEPARTMENT ESTABLISH AT LEAST ONE PRE-DETENTION INTERVENTION PROGRAM IN EACH JUDICIAL CIRCUIT AND TO ESTABLISH PROGRAM REQUIREMENTS AND ELIGIBILITY; BY ADDING SECTION 63-19-520 SO AS TO ESTABLISH THE JUVENILE JUSTICE IMPROVEMENT FUND, TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO DIVERT MONEYS SAVED FROM DECREASED RELIANCE ON OUT-OF-HOME PLACEMENT TO FUND COMMUNITY INTERVENTION PROGRAMS INCLUDING EDUCATIONAL, MENTAL HEALTH, AND BEHAVIORAL HEALTH SERVICES; BY AMENDING SECTION 63-19-810, RELATING TO TAKING A CHILD INTO CUSTODY, SO AS TO REMOVE A DUPLICATIVE NOTIFICATION PROVISION BY LAW ENFORCEMENT TO SCHOOL PRINCIPALS AND TO REQUIRE THAT

ANY CHILD SEVENTEEN YEARS OF AGE OR OLDER, WHO HAS BEEN TAKEN INTO CUSTODY BUT WHO HAS NOT BEEN RELEASED TO A PARENT OR GUARDIAN, MUST HAVE A BOND HEARING BEFORE A MAGISTRATE; BY AMENDING SECTION 63-19-820, RELATING TO OUT-OF-HOME PLACEMENT, SO AS TO LIMIT SECURE PRETRIAL DETENTION TO CIRCUMSTANCES WHERE IT IS THE LEAST RESTRICTIVE APPROPRIATE OPTION AND IF THE CHILD IS CHARGED WITH A CRIME THAT WOULD BE A FIVE-YEAR FELONY OR GREATER, HAS EXHAUSTED COMMUNITY BASED ALTERNATIVES, OR IS CHARGED WITH UNLAWFUL STUDENT THREATS OR FAILURE TO STOP FOR A BLUE LIGHT, TO REMOVE THE ELIGIBILITY OF JUVENILES CHARGED AS AN ADULT TO BE HOUSED IN ADULT DETENTION FACILITIES; BY AMENDING SECTION 63-19-830, RELATING TO DETENTION HEARINGS, SO AS TO ALLOW THE COURT TO ORDER A CHILD DETAINED IN AN APPROVED HOME, PROGRAM, OR FACILITY OTHER THAN A SECURE JUVENILE DETENTION FACILITY WHILE AWAITING TRIAL; BY AMENDING SECTION 63-19-1010, RELATING TO INTAKE AND PROBATION, SO AS TO REQUIRE THAT A CHILD BROUGHT BEFORE THE FAMILY COURT SHALL HAVE A PRESUMPTION FOR DIVERSION IF CERTAIN CONDITIONS ARE MET OR IF THE SOLICITOR HAS GOOD CAUSE TO BELIEVE THAT DIVERSION WOULD BE INSUFFICIENT; BY AMENDING SECTION 63-19-1020, RELATING TO INSTITUTING PROCEEDINGS, SO AS TO REQUIRE SERVICES TO BE OFFERED BEFORE THE DEPARTMENT MAY ACCEPT A REFERRAL FOR A STATUS OFFENSE OR FOR SCHOOL-BASED OFFENSES; BY AMENDING SECTION 63-19-1030, RELATING TO PREHEARING INQUIRY, SO AS TO ESTABLISH THAT THE PREHEARING INVESTIGATION IS OPTIONAL AND TO ESTABLISH THE PARENTS' RIGHT TO RECEIVE NOTICE OF THE CHARGES AND THEIR RIGHTS TO AN ATTORNEY; BY AMENDING SECTION 63-19-1030, RELATING TO PREHEARING INQUIRY, SO AS TO ESTABLISH THAT THE PREHEARING INVESTIGATION IS OPTIONAL AND TO ESTABLISH THE PARENTS' RIGHT TO RECEIVE NOTICE OF THE CHARGES AND THEIR RIGHTS TO AN ATTORNEY; BY ADDING SECTION 63-19-1050 SO AS TO PROHIBIT CHARGING A FEE TO A CHILD AS A CONDITION OF DIVERSION AND TO LIMIT THE AMOUNT OF RESTITUTION REQUIRED OF A CHILD IN DIVERSION TO FIVE HUNDRED DOLLARS; BY ADDING SECTION 63-19-1070 SO AS TO ESTABLISH THAT THE FAMILY COURT MAY ADJOURN A CRIMINAL PROCEEDING AGAINST A JUVENILE IN CONTEMPLATION OF DISMISSAL UPON COMPLETION OF CERTAIN CONDITIONS ESTABLISHED BY THE COURT; BY AMENDING SECTION 63-19-1210, RELATING TO TRANSFER OF JURISDICTION, SO AS TO ELIMINATE THE TRANSFER TO GENERAL SESSIONS FOR A CHILD FOURTEEN OR FIFTEEN YEARS OF AGE, TO ALLOW A CHILD WHO IS TRANSFERRED TO GENERAL SESSIONS WHO HAS BEEN CHARGED WITH MURDER TO BE ELIGIBLE TO RECEIVE A SENTENCE LESS THAN THE MANDATORY MINIMUM, AND TO ALLOW THE DETERMINATION BY THE COURT TO TRANSFER THE CHILD'S CASE TO GENERAL SESSIONS TO BE IMMEDIATELY APPEALABLE TO THE SUPREME COURT; BY AMENDING SECTION 63-19-1410, RELATING TO ADJUDICATION, SO AS TO REQUIRE THE COURT TO ORDER THE LEAST RESTRICTIVE APPROPRIATE PLACEMENT FOR A CHILD ADJUDICATED DELINQUENT, TO LIMIT THE LENGTH OF PROBATION, TO LIMIT PROBATION TO NOT EXTEND AFTER A CHILD'S TWENTIETH BIRTHDAY, TO LIMIT THE IMPOSITION OF RESTITUTION FOR A CHILD UNDER THE AGE OF SIXTEEN UNLESS IT IS PROVEN THAT THE CHILD HAS THE ABILITY TO PAY, TO PROHIBIT THE CHILD FROM BEING ORDERED TO PAY FOR DRUG SCREENS UNLESS THE CHILD HAS INSURANCE TO COVER THE COST, AND TO ALLOW FOR THE DEPARTMENT OF JUVENILE JUSTICE TO PLACE THE CHILD ON ADMINISTRATIVE SUPERVISION TO PAY FOR RESTITUTION OR COMPLETE COMMUNITY SERVICE; BY ADDING SECTION 63-19-1415 SO AS TO ALLOW THE CIRCUIT SOLICITORS TO OPERATE ONE OR MORE SPECIALTY TREATMENT COURTS IF ALLOWED BY THE SUPREME COURT; BY AMENDING SECTION 63-19-1440, RELATING TO COMMITMENT, SO AS TO LIMIT THE PLACEMENT OF A CHILD INTO THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE THE COURT TO ISSUE INDIVIDUALIZED FINDINGS AS TO WHY THE COMMITMENT IS THE LEAST RESTRICTIVE SENTENCING OPTION TO PROTECT THE PUBLIC AND REHABILITATE THE CHILD, TO PROHIBIT THE COMMITMENT OF A CHILD WHO HAS BEEN ADJUDICATED FOR A STATUS OFFENSE OR A PROBATION REVOCATION RELATED TO A STATUS OFFENSE, TO ALLOW THE COURT TO SENTENCE A CHILD WHO HAS COMMITTED AN OFFENSE WHICH CARRIES FIFTEEN YEARS OR MORE TO A DETERMINATE SENTENCE OF UP TO ONE HUNDRED EIGHTY DAYS, AND TO LIMIT THE CONSECUTIVE SENTENCING TO NOT EXCEED THE TIME ELIGIBLE FOR AN INDETERMINATE SENTENCE, TO LIMIT THE ELIGIBILITY FOR RESIDENTIAL EVALUATIONS, AND TO ALLOW FOR THE CHILD TO GET TIME SERVED CREDIT FOR COMMITMENTS TO SHORT-TERM ALTERNATIVE PLACEMENTS; BY AMENDING SECTION 63-19-1450, RELATING TO COMMITMENT OF JUVENILE WITH MENTAL ILLNESS OR MENTAL RETARDATION, SO AS TO CLARIFY THAT A CHILD MAY NOT BE COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE WHO IS HANDICAPPED BY MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY; BY ADDING SECTION 63-19-1480 SO AS TO PROVIDE THAT THE FAMILY COURT MAY CONDUCT POST DISPOSITIONAL REVIEWS TO DETERMINE IF THE PURPOSES OF THE CRIMINAL SENTENCING HAVE BEEN MET AND THE CHILD'S SENTENCE MAY BE CLOSED, THE

HEARING BEING HELD ONLY AFTER ONE YEAR OR IF THE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, THEN AFTER SIX MONTHS; BY AMENDING SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE, SO AS TO REMOVE THE AUTHORITY OF THE COURT TO COMMIT A CHILD TO SECURE CUSTODY FOR A PROBATION REVOCATION IF THE CHILD IS ON PROBATION FOR A STATUS OFFENSE; BY AMENDING SECTION 63-19-1820, RELATING TO BOARD OF JUVENILE PAROLE, SO AS TO REQUIRE THE RELEASING ENTITY TO DETERMINE THE LENGTH OF STAY GUIDELINES ARE BASED ON EVIDENCE BASED BEST PRACTICES, THE RISKS OF REOFFENDING, AND THE SEVERITY OF THE OFFENSE; BY AMENDING SECTION 63-19-1835, RELATING TO COMPLIANCE REDUCTIONS FOR PROBATIONERS AND PAROLEES, SO AS TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO DEVELOP AND IMPLEMENT ADMINISTRATIVE COMMUNITY-BASED SANCTIONS FOR TECHNICAL VIOLATIONS OF PROBATION OR PAROLE; BY AMENDING SECTION 63-19-2020, RELATING TO CONFIDENTIALITY, SO AS TO REMOVE A REFERENCE TO A DELETED CRIMINAL OFFENSE, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO NOTIFY THE ADMINISTRATION OF A COLLEGE OR UNIVERSITY OF AN ENROLLED STUDENT'S CHARGES DELINEATED WITHIN THIS SECTION, AND TO ADD ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES TO THE LIST OF CRIMES THAT MUST BE DISCLOSED TO SCHOOL OFFICIALS; BY AMENDING SECTION 63-19-2030, RELATING TO LAW ENFORCEMENT RECORDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO REQUIRE THE EXPUNGEMENT OF ALL OFFICIAL RECORDS RELATED TO THE ADJUDICATION OR DISPOSITION OF A STATUS OFFENSE UPON THE PERSON REACHING EIGHTEEN YEARS OF AGE OR AS SOON THEREAFTER AS HE COMPLETES ANY PENDING FAMILY COURT DISPOSITION AND TO REQUIRE THAT A CHILD SHALL NOT BE CHARGED FOR THE EXPUNGEMENT OF HIS RECORDS ORDERED UNDER THIS SECTION; BY ADDING SECTION 59-18-1970 SO AS TO REQUIRE THAT A SCHOOL DISTRICT FOR A STUDENT WHO HAS TRANSFERRED BECAUSE OF HOMELESSNESS, STATUS AS A VICTIM OF ABUSE OR NEGLECT, ADJUDICATIONS OF DELINQUENCY, OR PLACEMENT IN A FACILITY FOR MENTAL HEALTH OR DEVELOPMENTAL DISABILITIES MUST CONTACT THE STUDENT'S PRIOR SCHOOL WITHIN TWO DAYS OF ENROLLMENT AND TO REQUIRE THE PREVIOUS SCHOOL DISTRICT TO SEND THE STUDENT'S RECORDS WITHIN TWO DAYS OF REQUEST TO THE NEW SCHOOL, AND TO REQUIRE THAT THE STUDENT RECEIVE TIMELY ASSISTANCE, EQUAL ACCESS, AND PRIORITY PLACEMENT RELATING TO THE TRANSFER; BY ADDING SECTION 59-18-1980 SO AS TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SCHOOL LIAISONS TO ASSIST STUDENTS TRANSFERRING DUE TO INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM; BY AMENDING SECTION 59-24-60, RELATING TO REQUIREMENT OF SCHOOL OFFICIALS TO CONTACT LAW ENFORCEMENT AUTHORITIES WHEN CRIMINAL CONDUCT OCCURS, SO AS TO PROVIDE THAT SCHOOL OFFICIALS MUST CONTACT LAW ENFORCEMENT IF A PERSON COMMITS AN ACTION AT A SCHOOL OR SCHOOL-SPONSORED EVENT THAT WOULD BE A FELONY OR A CRIME PUNISHABLE BY FIVE YEARS OR MORE, OR IF THE ACTION RESULTS IN SERIOUS INJURY; BY AMENDING SECTION 59-63-210, RELATING TO GROUNDS FOR WHICH TRUSTEES MAY EXPEL, SUSPEND, OR TRANSFER PUPILS, SO AS TO LIMIT THE AUTHORITY OF A SCHOOL DISTRICT TO EXPEL, SUSPEND, OR TRANSFER A PUPIL EXCEPT FOR CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 59-63-1320, RELATING TO REFERRAL OR PLACEMENT OF STUDENTS IN ALTERNATIVE SCHOOL PROGRAMS, SO AS TO RESTRICT THE AUTOMATIC PLACEMENT OF A CHILD RETURNING FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE TO AN ALTERNATIVE SCHOOL EXCEPT FOR CERTAIN CIRCUMSTANCES; BY REPEALING SECTION 63-19-2420 RELATING TO LOITERING IN A BILLIARD ROOM; AND BY REPEALING SECTION 63-19-2430 RELATING TO PLAYING PINBALL.

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01/17/25 Scrivener's error corrected