

## Session 114 - (2001-2002)

### **H\*3049 (Rat #0452, Act #0348 of 2002) General Bill, By Campsen, Altman, Simrill, Cotty and Knotts**

**Summary:** Defendant hospitalized on grounds not guilty by reason of insanity not to leave State hospital; serving of warrants to incarcerated inmates and jurisdiction of magistrates; provisions regarding operation of motor vehicles, management of emergency scenes, passing a stopped school bus, issuance of special restricted drivers' licenses to attend court-ordered drug programs

A BILL TO AMEND SECTION 17-24-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF A DEFENDANT FOUND NOT GUILTY BY REASON OF INSANITY, SO AS TO PROVIDE THAT A DEFENDANT HOSPITALIZED ON THESE GROUNDS WHO WAS FOUND NOT GUILTY BY REASON OF INSANITY OF A VIOLENT CRIME MAY NOT LEAVE THE SOUTH CAROLINA STATE HOSPITAL PREMISES UNLESS AN EMPLOYEE OF THE HOSPITAL IS PHYSICALLY PRESENT WITH THE DEFENDANT AT ALL TIMES AND TO DEFINE "VIOLENT CRIME" FOR THIS PURPOSE; TO AMEND SECTION 25-1-420, AS AMENDED, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, SO AS TO ABOLISH THE STATEWIDE URBAN SEARCH AND RECOVERY TEAM; BY ADDING SECTION 23-15-45 SO AS TO INVEST SHERIFFS WITH STATEWIDE TERRITORIAL JURISDICTION TO SERVE UPON INCARCERATED INMATES WARRANTS ISSUED BY MAGISTRATES WHO HAVE BEEN GRANTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA STATEWIDE TERRITORIAL JURISDICTION TO QUALIFIED CRIMINAL CASES; TO AMEND SECTION 56-5-2522, RELATING TO THE PROCEDURE FOR THE DISPOSAL OF A VEHICLE OR OBJECT THAT IS DIRECTED TO BE TOWED BY A LAW ENFORCEMENT OFFICER, SO AS TO MODIFY THE APPLICABLE TIME PERIODS THAT MUST ELAPSE BEFORE CERTAIN ACTIONS REGARDING THE VEHICLE OR OBJECT MAY OCCUR AND TO AUTHORIZE THE SHERIFF'S OR THE POLICE CHIEF'S DESIGNEE TO CARRY OUT THE ACTIONS PROVIDED IN SECTION 56-5-5640; TO AMEND SECTION 56-5-2360, RELATING TO THE OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY OR POLICE VEHICLES, SO AS TO PROVIDE THAT WHEN AN EMERGENCY OR POLICE VEHICLE MAKES USE OF A VISUAL AS WELL AS AUDIBLE SIGNAL, THE DRIVER OF EVERY OTHER VEHICLE MUST YIELD THE RIGHT-OF-WAY TO THE EMERGENCY OR POLICE VEHICLE; TO AMEND SECTION 56-3-120, AS AMENDED, RELATING TO EXEMPTIONS FROM MOTOR VEHICLE REGISTRATION AND LICENSING REQUIREMENTS, SO AS TO EXEMPT CERTAIN FIREFIGHTING VEHICLES; BY ADDING SECTION 56-1-464 SO AS TO PROVIDE THAT A PERSON WHOSE LICENSE IS CANCELED, SUSPENDED, OR REVOKED BASED SOLELY ON CERTAIN OUT-OF-STATE VIOLATIONS MAY PETITION THE MAGISTRATE'S COURT TO DISMISS THE STATE'S CHARGE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-1538, RELATING TO THE MANAGEMENT OF AN EMERGENCY SCENE, SO AS TO REQUIRE THE DRIVER OF A VEHICLE TO KEEP THE VEHICLE UNDER CONTROL WHEN APPROACHING OR PASSING AN EMERGENCY SCENE, TO REQUIRE THE DRIVER OF A VEHICLE WHEN APPROACHING A STATIONARY EMERGENCY VEHICLE TO PROCEED WITH DUE CAUTION AND TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE DEFINITIONS; TO AMEND SECTION 56-5-2990, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE, AND THE PERIOD OF SUSPENSION, SO AS TO PROVIDE THAT A PERSON WHO MUST COMPLETE AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM AS A CONDITION OF REINSTATEMENT OF HIS DRIVING PRIVILEGES TO OBTAIN A ROUTE RESTRICTED OR SPECIAL RESTRICTED DRIVER'S LICENSE MAY USE THE ROUTE RESTRICTED OR SPECIAL RESTRICTED DRIVER'S LICENSE TO ATTEND THE ALCOHOL AND DRUG SAFETY ACTION PROGRAM CLASSES IN ADDITION TO THE OTHER PERMITTED USES OF EITHER DRIVER'S LICENSE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR EITHER HIS REFUSAL TO SUBMIT TO TESTING FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION OR FOR OPERATING A VEHICLE WITH CERTAIN UNLAWFUL ALCOHOL CONCENTRATIONS, AND THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A DRIVER, WHOSE SUSPENSION IS UPHELD AT AN ADMINISTRATIVE HEARING, MAY APPLY FOR A SPECIAL RESTRICTED DRIVER'S LICENSE, PERMITTING THE DRIVER TO DRIVE TO AND FROM ALCOHOL AND DRUG SAFETY ACTION PROGRAM CLASSES, TO REVISE THE CONDITIONS UPON WHICH A SPECIAL RESTRICTED DRIVER'S LICENSE MAY BE ISSUED, TO PROVIDE THAT A HOLDER OF A SPECIAL RESTRICTED DRIVER'S LICENSE WHOSE STATUS OF ATTENDANCE AT ALCOHOL AND DRUG SAFETY ACTION PROGRAM CLASSES HAS CHANGED, MUST REPORT THE CHANGE IN STATUS TO THE DEPARTMENT OF PUBLIC SAFETY, AND TO PROVIDE THAT A SPECIAL RESTRICTED DRIVER'S LICENSE ISSUED TO A PERSON WHO DOES NOT REQUEST AN ADMINISTRATIVE HEARING SHALL PERMIT THE DRIVER'S LICENSE HOLDER TO DRIVE TO AND FROM HIS PLACE OF EDUCATION, IN THE COURSE OF HIS EMPLOYMENT OR EDUCATION, AND TO AND FROM HIS ALCOHOL AND DRUG SAFETY ACTION PROGRAM CLASSES; TO AMEND SECTION 56-5-2780, AS AMENDED, RELATING TO PENALTIES THAT MAY

BE IMPOSED UPON A PERSON WHO UNLAWFULLY MEETS OR PASSES A SCHOOL BUS, SO AS TO PROVIDE THAT A FIRST OFFENSE VIOLATION OF THIS PROVISION MAY BE TRIED IN MAGISTRATE'S COURT; TO AMEND SECTION 56-1-745, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE DUE TO A CONVICTION FOR A CONTROLLED SUBSTANCE VIOLATION, AND THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, SO AS TO ADD ENROLLMENT IN A COURT-ORDERED DRUG PROGRAM AS A BASIS FOR APPLYING FOR A SPECIAL RESTRICTED DRIVER'S LICENSE; TO AMEND SECTION 56-1-746, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR OFFENSES RELATING TO THE POSSESSION, SALE, AND CONSUMPTION OF BEER, WINE, AND ALCOHOL, OR FOR UNLAWFUL USE OR ALTERATION OF A DRIVER'S LICENSE, AND THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE TO A PERSON UNDER CERTAIN CIRCUMSTANCES, SO AS TO ADD ENROLLMENT IN A COURT-ORDERED DRUG PROGRAM AS A BASIS FOR APPLYING FOR A SPECIAL RESTRICTED DRIVER'S LICENSE, AND TO PROVIDE THAT A HOLDER OF A SPECIAL RESTRICTED DRIVER'S LICENSE WHOSE STATUS OF ATTENDANCE IN A COURT-ORDERED DRUG PROGRAM HAS CHANGED, MUST REPORT THE CHANGE IN STATUS TO THE DEPARTMENT OF PUBLIC SAFETY; AND BY ADDING SECTION 22-5-115 SO AS TO PROVIDE THAT A MAGISTRATE MAY ISSUE A NOTICE FOR TRIAL BASED UPON THE SWORN STATEMENT OF AN AFFIANT WHO IS NOT A LAW ENFORCEMENT OFFICER BUT MAY NOT ISSUE AN ARREST WARRANT IF THE AFFIANT IS NOT A LAW ENFORCEMENT OFFICER.-amended title

<b>12/06/00</b>	<b>House</b>	<b>Prefiled</b>
<b>12/06/00</b>	<b>House</b>	<b>Referred to Committee on Judiciary</b>
<b>01/09/01</b>	<b>House</b>	<b>Introduced and read first time HJ-30</b>
<b>01/09/01</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-31</b>
<b>02/28/02</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Knotts</b>
<b>03/06/02</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-3</b>
<b>03/07/02</b>	<b>House</b>	<b>Amended HJ-31</b>
<b>03/07/02</b>	<b>House</b>	<b>Read second time HJ-31</b>
<b>03/07/02</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day HJ-31</b>
<b>03/08/02</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-3</b>
<b>03/12/02</b>	<b>Senate</b>	<b>Introduced and read first time SJ-6</b>
<b>03/12/02</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-6</b>
<b>05/22/02</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-17</b>
<b>06/05/02</b>	<b>Senate</b>	<b>Amended SJ-48</b>
<b>06/05/02</b>	<b>Senate</b>	<b>Read second time SJ-48</b>
<b>06/05/02</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-48</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Amended</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Recalled from House</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Reconsidered</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Amended</b>
<b>06/06/02</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments</b>
<b>06/06/02</b>	<b>House</b>	<b>Concurred in Senate amendment and enrolled HJ-171</b>
<b>06/06/02</b>		<b>Ratified R 452</b>
<b>07/20/02</b>		<b>Signed By Governor</b>
<b>08/06/02</b>		<b>Effective date 07/20/02</b>
<b>08/06/02</b>		<b>Copies available</b>
<b>08/06/02</b>		<b>Act No. 348</b>