Session 116 - (2005-2006)

H*3543 (Rat #0135, Act #0106 of 2005) General Bill, By G.M. Smith and Weeks

Summary: Mary Lynn's Law

   AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING "MARY LYNN'S LAW"; BY ADDING SECTION 16-1-130 SO AS TO PROVIDE THAT A PERSON MAY NOT BE CONSIDERED FOR A DIVERSION PROGRAM IF HE IS CURRENTLY CHARGED WITH CERTAIN OFFENSES, IS SUBJECT TO A RESTRAINING ORDER OR A VALID ORDER OF PROTECTION, IS CURRENTLY ON PAROLE OR PROBATION, OR THE CONSENT OF THE VICTIM HAS NOT BEEN OBTAINED; TO AMEND SECTIONS 16-3-1525 AND 16-3-1530, RELATING TO VICTIM NOTIFICATION, SO AS TO PROVIDE THAT VICTIM NOTIFICATION MAY NOT BE ONLY BY ELECTRONIC OR OTHER AUTOMATED COMMUNICATION OR RECORDING AND TO PROVIDE A PROCEDURE FOR NOTIFICATION; TO AMEND SECTION 16-3-1535, RELATING TO THE SUMMARY COURT'S DUTY TO NOTIFY A VICTIM OF THE VICTIM'S RIGHTS AND THE VICTIM IMPACT STATEMENT, SO AS TO REQUIRE THE SUMMARY COURT JUDGE TO FORWARD A COPY OF EACH VICTIM'S IMPACT STATEMENT TO THE APPROPRIATE CORRECTIONS AGENCIES; TO AMEND ARTICLE 17, CHAPTER 3, TITLE 16, RELATING TO STALKING AND HARASSMENT, SO AS TO REDEFINE STALKING AND HARASSMENT; TO REVISE THE PENALTIES FOR STALKING AND HARASSMENT; TO ALLOW LAW ENFORCEMENT OR ANOTHER PERSON TO SIGN A WARRANT FOR A PERSON ENGAGED IN HARASSMENT OR STALKING IN PLACE OF THE VICTIM; TO PROVIDE PROCEDURES WHEN THE COURT ORDERS A MENTAL HEALTH EVALUATION, TO PROVIDE FOR VICTIM NOTIFICATION IF THE MENTAL HEALTH EVALUATION RESULTS IN THE UNSUPERVISED RELEASE OF THE PERSON CHARGED WITH STALKING OR HARASSMENT, TO PROVIDE THAT A RESTRAINING ORDER AGAINST A PERSON ENGAGED IN HARASSMENT REMAINS IN EFFECT FOR A PERIOD OF ONE YEAR AS DETERMINED BY THE COURT, AND TO PROVIDE IF THE PERSON NEEDS A MENTAL HEALTH EVALUATION TO DETERMINE IF HE NEEDS TREATMENT OR COUNSELING AS A CONDITION OF BOND, THE EVALUATION MUST BE SCHEDULED WITHIN TEN DAYS OF THE ORDER; TO AMEND SECTION 17-15-30, RELATING TO CONDITIONS OF RELEASE, SO AS TO REQUIRE THE COURT TO CONSIDER THE ACCUSED'S CRIMINAL RECORD AND ALL INCIDENT REPORTS RELATED TO THE CHARGED OFFENSE; TO AMEND SECTION 24-3-20, AS AMENDED, RELATING TO PRISONERS WHO ARE ELIGIBLE TO PARTICIPATE IN WORK RELEASE, SO AS TO PROHIBIT THOSE OFFENDERS CONVICTED OF A VIOLENT OFFENSE, A HARASSMENT OR STALKING OFFENSE, OR A BURGLARY OFFENSE FROM BEING ELIGIBLE FOR WORK RELEASE; BY ADDING SECTION 16-3-1555 SO AS TO REQUIRE THE PROSECUTING AGENCY TO FORWARD VICTIM IMPACT STATEMENTS WITHIN FIFTEEN DAYS TO THE APPROPRIATE CORRECTIONS AGENCY IN CASES WHEN THE SENTENCE IS MORE THAN NINETY DAYS AND TO PROHIBIT THE RELEASE OF THE VICTIM IMPACT STATEMENTS TO THE DEFENDANT UNTIL HE HAS BEEN FOUND GUILTY; AND TO CREATE A TASK FORCE TO EXAMINE AND DESIGN STATEWIDE STANDARDS FOR MENTAL HEALTH COURTS. - ratified title

Date	Body	Action
02/15/05	House	Introduced and read first time HJ-7
02/15/05	House	Referred to Committee on Judiciary HJ-8
04/07/05	House	Member(s) request name added as sponsor: Weeks
04/12/05	House	Committee report: Favorable with amendment Judiciary HJ-3
04/13/05	House	Amended HJ-72
04/13/05	House	Read second time HJ-86
04/14/05	House	Read third time and sent to Senate HJ-16
04/18/05	Senate	Introduced and read first time SJ-20
04/18/05	Senate	Referred to Committee on Judiciary SJ-20
05/18/05	Senate	Committee report: Favorable with amendment Judiciary SJ-20
05/19/05	Senate	Amended SJ-77
05/19/05	Senate	Read second time SJ-77
05/19/05		Scrivener's error corrected
05/24/05		Scrivener's error corrected
05/24/05	Senate	Read third time and returned to House with amendments SJ-34
05/25/05	House	Concurred in Senate amendment and enrolled HJ-306
05/26/05		Ratified R 135
06/01/05		Signed By Governor
06/03/05		Copies available
06/03/05		Effective date See Act for Effective Date

06/07/05   **Act No. 106**