

## Session 115 - (2003-2004)

### **S 0368 General Bill, By Leventis**

***Similar (S 0304, S 0477, H 3253)***

#### **Summary:** Domestic Violence Prevention and Protection Act

A BILL TO ENACT THE OMNIBUS DOMESTIC VIOLENCE PREVENTION AND PROTECTION ACT BY ADDING ARTICLE 21 TO CHAPTER 1, TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE ALL STATE AGENCIES TO DEVELOP A WORKPLACE DOMESTIC VIOLENCE POLICY; TO ADD SECTION 59-1-475 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION, IN CONJUNCTION WITH THE DEPARTMENT OF SOCIAL SERVICES, TO DEVELOP MATERIALS FOR DOMESTIC VIOLENCE CONTINUING EDUCATION WHICH SCHOOL DISTRICTS MUST PROVIDE TO TEACHERS AND STAFF; TO AMEND SECTION 59-20-40, AS AMENDED, RELATING TO THE FORMULA FOR DETERMINING ANNUAL ALLOCATIONS TO EACH SCHOOL DISTRICT AND WEIGHTINGS USED TO PROVIDE FOR RELATIVE COST DIFFERENCES BETWEEN PROGRAMS, SO AS TO INCLUDE PUPILS WHO RESIDE IN EMERGENCY SHELTERS IN WEIGHTINGS FOR THE HOMEBOUND PROGRAM; TO AMEND SECTION 59-63-31, AS AMENDED, RELATING TO AUTHORIZING STUDENTS TO ATTEND SCHOOL IN A CERTAIN SCHOOL DISTRICT WITHOUT CHARGE, SO AS TO ALLOW A CHILD WHO RESIDES IN AN EMERGENCY SHELTER TO ATTEND A SCHOOL IN THE DISTRICT WHERE THE SHELTER IS LOCATED; TO AMEND SECTION 16-1-60, AS AMENDED, RELATING TO CLASSIFYING OFFENSES AS VIOLENT CRIMES, SO AS TO INCLUDE CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE; TO AMEND SECTIONS 16-25-30, 16-25-40, 16-25-50, AND 16-25-60, ALL AS AMENDED, ALL RELATING TO PROCEDURES AND PENALTIES FOR CRIMINAL DOMESTIC VIOLENCE, SO AS TO DELETE FINES AS A PENALTY FOR THESE OFFENSES, TO AUTHORIZE SUSPENSION OF THE SENTENCE IMPOSED EXCEPT MANDATORY MINIMUM SENTENCES UPON THE OFFENDER SATISFACTORILY COMPLETING AN APPROVED TREATMENT PROGRAM FOR BATTERERS, TO REQUIRE AN OFFENDER TO PAY A FEE FOR PARTICIPATION IN A PROGRAM, AND TO AUTHORIZE ORDERING AND REFERRING AN OFFENDER TO ALCOHOL AND DRUG TREATMENT; TO AMEND SECTION 16-25-65, RELATING TO THE STATUTORY OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO CLARIFY THE ELEMENTS OF THAT OFFENSE AND CHANGE THE OFFENSE FROM A MISDEMEANOR TO A FELONY; TO AMEND SECTION 16-25-70, AS AMENDED, RELATING TO ARRESTS AND SEARCHES IN CONNECTION WITH CRIMINAL DOMESTIC VIOLENCE, SO AS TO REQUIRE A LAW ENFORCEMENT AGENCY TO COMPLETE AN INVESTIGATION OF AN ALLEGED OFFENSE EVEN WITHOUT NOTIFICATION AT THE TIME OF THE OFFENSE; TO ADD SECTION 16-25-95 SO AS TO MAKE IT A FELONY FOR A PERSON WHO HAS BEEN CONVICTED OF CRIMINAL DOMESTIC VIOLENCE TO POSSESS A FIREARM AND TO PROVIDE PENALTIES; TO AMEND SECTION 17-22-50, AS AMENDED, RELATING TO PERSONS NOT TO BE CONSIDERED FOR A PRETRIAL INTERVENTION PROGRAM, SO AS TO PROVIDE THAT PERSONS CHARGED WITH A CRIMINAL DOMESTIC VIOLENCE OFFENSE MUST NOT BE CONSIDERED FOR THIS PROGRAM; TO AMEND SECTION 20-4-20, AS AMENDED, RELATING TO DEFINITIONS USED IN CONNECTION WITH PROTECTION FROM DOMESTIC ABUSE, SO AS TO REVISE THE DEFINITION OF "HOUSEHOLD MEMBER" TO INCLUDE MINORS AND OTHERS FUNCTIONING UNDER THE AGE OF 18; TO ADD SECTION 20-4-63 SO AS TO WAIVE THE COURT FILING FEE WHEN A PERSON IS SEEKING AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE; TO ADD SECTION 20-7-3080 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROMULGATE REGULATIONS REQUIRING CHILDCARE OWNERS AND OPERATORS TO PROVIDE STAFF TRAINING ON DOMESTIC VIOLENCE; TO ADD SECTION 43-1-250 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, OFFICE OF DOMESTIC VIOLENCE PROGRAMS AND POLICY TO DEVELOP A COMPREHENSIVE DOMESTIC VIOLENCE PUBLIC AWARENESS AND MEDIA EDUCATION CAMPAIGN; TO ADD SECTION 43-1-260 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO FACILITATE THE DEVELOPMENT OF COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS IN EACH COUNTY OR MULTI-COUNTY AREA BASED UPON PUBLIC-PRIVATE SECTOR COLLABORATION AND TO PROVIDE FOR THE PURPOSE, DUTIES, AND MEMBERSHIP OF THE COUNCILS; AND TO ADD SECTION 14-1-240 SO AS TO REQUIRE ANNUAL CONTINUING EDUCATION FOR MAGISTRATES AND CIRCUIT COURT AND FAMILY COURT JUDGES TO RECEIVE ANNUAL CONTINUING EDUCATION ON DOMESTIC VIOLENCE.

**02/13/03 Senate Introduced and read first time SJ-4**

**02/13/03 Senate Referred to Committee on Judiciary SJ-4**