

## Session 116 - (2005-2006)

**H\*3984 (Rat #0196, Act #0166 of 2005) General Bill, By Leach, Haskins, G.M. Smith, Harrison, Wilkins, Altman, Merrill, Frye, Cotty, Chellis, Huggins, Whitmire, Brady, Clark, Duncan, Ballentine, Limehouse, Pinson, Haley, Toole, Bailey, Ceips, Hagood, Harrell, Herbkersman, J. Hines, Hinson, Kirsh, Littlejohn, Mahaffey, McGee, Perry, E.H. Pitts, Sandifer, Scarborough, Simrill, Sinclair, D.C. Smith, G.R. Smith, J.R. Smith, Talley, Taylor, Thompson, Vaughn, Viers, Walker, Umphlett, Hamilton and Clemmons**

**Similar (H 3143, H 3649)**

**Summary:** Criminal domestic violence

AN ACT TO AMEND SECTION 16-25-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "HOUSEHOLD MEMBER" FOR PURPOSES OF CRIMINAL DOMESTIC VIOLENCE, SO AS TO PROVIDE A DEFINITION FOR THE TERM; TO AMEND SECTION 16-25-20, AS AMENDED, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES, SO AS TO INCREASE THE FINES FOR A PERSON WHO COMMITS FIRST OFFENSE CRIMINAL DOMESTIC VIOLENCE AND TO INCREASE THE PENALTIES AND FINES FOR A PERSON WHO COMMITS CRIMINAL DOMESTIC VIOLENCE WHO HAS A PRIOR CONVICTION FOR CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE AND FOR A PERSON WHO COMMITS CRIMINAL DOMESTIC VIOLENCE WHO HAS TWO PRIOR CONVICTIONS FOR CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE WITHIN THE PREVIOUS TEN YEARS; TO AMEND SECTION 16-25-65, AS AMENDED, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO ADD A MANDATORY MINIMUM SENTENCE OF ONE YEAR TO THE EXISTING MAXIMUM PENALTY; BY ADDING SECTION 16-25-100 SO AS TO REQUIRE MAGISTRATES, MUNICIPAL COURT JUDGES, FAMILY COURT JUDGES, AND CIRCUIT COURT JUDGES TO RECEIVE CONTINUING LEGAL EDUCATION ON ISSUES CONCERNING DOMESTIC VIOLENCE; BY ADDING SECTION 16-25-120 SO AS TO PROVIDE ADDITIONAL FACTORS THE COURT MAY CONSIDER WHEN DETERMINING WHETHER TO RELEASE A PERSON ON BOND WHO HAS BEEN CHARGED WITH A VIOLENT OFFENSE WHEN THE VICTIM IS A HOUSEHOLD MEMBER UNDER CERTAIN CONDITIONS; TO AMEND SECTION 17-22-90, RELATING TO AGREEMENTS REQUIRED OF OFFENDERS PARTICIPATING IN THE PRETRIAL INTERVENTION PROGRAM, SO AS TO REQUIRE A PERSON TO AGREE IN WRITING TO SUCCESSFULLY COMPLETE A BATTERER'S TREATMENT PROGRAM IF THE OFFENSE IS FIRST OFFENSE CRIMINAL DOMESTIC VIOLENCE; TO AMEND SECTION 20-4-20, AS AMENDED, RELATING TO THE DEFINITION OF "HOUSEHOLD MEMBER" FOR PURPOSES OF DOMESTIC ABUSE, SO AS TO PROVIDE A DEFINITION FOR THE TERM; TO AMEND SECTION 20-4-40, AS AMENDED, RELATING TO A PETITION FOR AN ORDER OF PROTECTION, SO AS TO PROVIDE A PENDING MOTION OR PETITION FOR RELIEF SHALL NOT BE DISMISSED SOLELY BECAUSE THE UNDERLYING ACTION IS DISMISSED; BY ADDING SECTION 20-4-65 SO AS TO PROVIDE THAT A PERSON SEEKING AN ORDER OF PROTECTION FROM DOMESTIC ABUSE IS NOT REQUIRED TO PAY A FILING FEE; TO AMEND SECTION 20-4-80, RELATING TO MAILING OR SERVICE OF A CERTIFIED COPY OF AN ORDER, SO AS TO QUALIFY THAT IT IS A CERTIFIED COPY OF AN ORDER OF PROTECTION; TO AMEND SECTION 20-4-140, AS AMENDED, RELATING TO ORDERS OF PROTECTION, SO AS TO REQUIRE LAW ENFORCEMENT TO FORWARD A CERTIFIED COPY OF THE ORDER WITHIN TWENTY-FOUR HOURS TO THE FEDERAL BUREAU OF INVESTIGATION; TO AMEND SECTION 22-5-530, AS AMENDED, RELATING TO DEPOSITS IN LIEU OF RECOGNIZANCE, SO AS TO PROVIDE FOR AN INDIVIDUALIZED HEARING AND NOTICE TO THE VICTIM WHEN A PERSON IS CHARGED WITH A CRIMINAL DOMESTIC VIOLENCE OFFENSE; TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO PROVIDE THAT A FIRST OFFENSE CRIMINAL DOMESTIC VIOLENCE OFFENSE MAY BE EXPUNGED AFTER FIVE YEARS RATHER THAN THREE YEARS FROM THE DATE OF CONVICTION; TO AMEND SECTION 23-6-440, AS AMENDED, RELATING TO LAW ENFORCEMENT CERTIFICATION, SO AS TO PROVIDE FOR REVOCATION OF A LAW ENFORCEMENT CERTIFICATION IF THE PERSON IS CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE; TO AMEND SECTION 56-7-15, AS AMENDED, RELATING TO THE USE OF THE UNIFORM TRAFFIC TICKET, SO AS TO PROVIDE THAT AN OFFICER SHALL IMMEDIATELY COMPLETE AND FILE AN INCIDENT REPORT AFTER ARRESTING A PERSON FOR A CRIMINAL DOMESTIC VIOLENCE OFFENSE; AND TO CREATE A STUDY COMMITTEE TO STUDY CRIMINAL DOMESTIC VIOLENCE ISSUES AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY FEBRUARY 15, 2006. -

ratified title

**04/26/05 House Introduced, read first time, placed on calendar without reference HJ-8**

**04/27/05 House Member(s) request name added as sponsor: Umphlett, Hamilton**

**04/27/05 House Debate interrupted HJ-98**

04/28/05	House	Member(s) request name added as sponsor: Clemmons
04/28/05	House	Amended HJ-16
04/28/05	House	Debate interrupted HJ-23
04/28/05	House	Debate adjourned until Tuesday, May 3, 2005 HJ-54
05/03/05	House	Debate interrupted HJ-17
05/04/05	House	Amended HJ-55
05/04/05	House	Read second time HJ-64
05/04/05	House	Roll call Yeas-114 Nays-0 HJ-64
05/05/05	House	Read third time and sent to Senate HJ-11
05/05/05		Scrivener's error corrected
05/10/05	Senate	Introduced and read first time SJ-6
05/10/05	Senate	Referred to Committee on Judiciary SJ-6
05/18/05	Senate	Committee report: Favorable with amendment Judiciary SJ-28
05/19/05		Scrivener's error corrected
05/24/05	Senate	Special order, set for May 24, 2005 SJ-19
05/25/05	Senate	Amended SJ-171
05/25/05	Senate	Read second time SJ-171
05/25/05	Senate	Unanimous consent for third reading on next legislative day SJ-171
05/26/05		Scrivener's error corrected
05/26/05	Senate	Amended SJ-313
05/26/05	Senate	Read third time and returned to House with amendments SJ-313
05/27/05		Scrivener's error corrected
06/01/05	House	Concurred in Senate amendment and enrolled HJ-47
06/02/05		Ratified R 196
06/07/05		Signed By Governor
06/13/05		Copies available
06/13/05		Effective date 01/01/06
06/30/05		Act No. 166