

## Session 106 - (1985-1986)

**S\*0459 (Rat #0513, Act #0462 of 1986) General Bill, By H.C. Smith, W.W. Doar, Drummond, Land, J.M. Long, T.W. Mitchell, I.D. Newman, J.V. Smith, N.W. Smith, N.A. Theodore and J.M. Waddell**

A Bill to enact "The Omnibus Criminal Justice Improvements Act of 1986" which includes provisions to amend Chapter 25 of Title 17, Code of Laws of South Carolina, 1976, relating to judgment and execution, by adding Article 2 so as to create a Community Penalties Program in each judicial circuit of this State; to amend the 1976 Code by adding Section 24-21-475 so as to provide for a shock probation program for defendants convicted of certain offenses; to amend the 1976 Code by adding Sections 24-21-480 and 24-21-485 so as to authorize the establishment of the restitution center program where certain offenders may be placed as a condition of probation; to amend Section 24-21-430, relating to conditions of probation, so as to authorize further conditions of probation; to amend Chapter 13 of Title 24, relating to prisoners, by adding Article 11 so as to establish programs for work/punishment of inmates confined to local correctional facilities; to amend Article 3, Chapter 1 of Title 42, relating to Workers' Compensation, by adding Section 42-1-505 so as to provide that the Department of Parole and Community Corrections may elect to cover persons in its custody under Workers' Compensation; to amend Section 24-3-40, as amended, relating to prisoners, so as to provide for certain withholding from the wages of prisoners working at paid employment in the community for the purpose of supporting certain victim assistance programs; to amend Section 24-21-13, relating to probation, parole and pardon, so as to authorize the Parole and Community Corrections Board to develop policies for public service work programs and litter control programs for certain offenders; to amend Article 2, Chapter 23 of Title 24, relating to sentencing and probation procedures by adding Section 24-23-115 so as to authorize the Court of General Sessions to require defendants convicted of a criminal offense to perform public service work for specified governmental agencies or nonprofit organizations; to amend Section 20-7-1350, relating to family courts, so as to provide that family court judges are empowered to utilize certain public service work as a punishment for contempt of court; to amend Section 24-13-210, as amended, relating to credit given convicts for good behavior, so as to provide for good behavior credit to be given to prisoners incarcerated in a local correctional facility; to amend Section 24-13-230, as amended, relating to prisoners, so as to provide that certain inmates in the custody of the Department of Corrections may earn credits against their sentences for participating in certain educational or vocational programs and to provide that inmates serving sentences in local facilities may earn credits against sentence for productive duty assignments; to amend Section 17-25-70, relating to certain male convicts working on chain gangs, so as to authorize the official in charge of a local correctional facility to require able-bodied inmates in the facility to perform labor on the public works or ways; to repeal Section 17-25-90, relating to the required place to serve certain sentences; to amend Section 24-3-1120, relating to the Prison Overcrowding Powers Act, so as to revise the definition of prisoners who qualify for early release under this Act; to amend Section 24-3-1130, relating to the requirements for the declaration of emergencies under the Prison Overcrowding Powers Act, so as to delete certain of these requirements in regard to utilization of temporary structures and unused buildings; to amend Section 24-3-1140, relating to the Board of Corrections' determination of the appropriateness of actions to reduce the prison population and a report to the Governor thereon, so as to further provide for the contents of this report; to amend Section 24-3-1160, relating to the powers of the Governor to reduce the prison population, so as to further provide for these powers; to amend Section 24-3-1170, relating to the advancement of prisoners' release dates, so as to require that a specified number of qualified prisoners must be conditionally released or specified for release; to amend Section 24-3-1190, relating to further advancement of prisoners' release dates, so as to provide that during the state of emergency the Board of Parole and Community Corrections shall continue to release prisoners monthly until the specified number is met but that no more than two hundred inmates may be released in any thirty-day period; to amend Section 24-3-2020, relating to revocation of conditional advancement of release dates, so as to further provide for this revocation, to amend Section 24-3-2030, relating to the prescribing of the conditions of supervision upon the advancement of release dates, so as to provide that the Board of Parole and Community Corrections shall rate the risk of inmates to the community to determine which qualified prisoners are to be released, to provide that the Department of Parole and Community Corrections shall notify the victim before releasing an inmate and the victim is entitled to submit a statement regarding the release, and to further provide for these conditions of supervision; to repeal Section 24-3-2000, relating to certain powers of the Governor under the Prison Overcrowding Powers Act and Section 24-3-2040, relating to advancement of release dates to be independent of all other adjustments of release dates; to amend Section 16-3-26, relating to the punishment for murder and the seeking of the death penalty, so as to further provide for the payment of attorney's fees and costs by the State for the defense of indigents in these cases; to amend Section 16-3-20, as amended, relating to the punishment for murder, so as to provide that where an aggravating circumstance is found and a recommendation of the death penalty is not made, the court must impose a sentence of life imprisonment without eligibility for parole until the service of thirty years, to further provide for these aggravating circumstances, to provide that if the jury finds an aggravating circumstance and does not recommend the death penalty, all members of the jury shall in writing designate the aggravating circumstance found, and to further provide for

the questioning of the jury and the certification by the jury in writing of the finding of an aggravating circumstance; to amend Section 16-23-490, relating to the additional penalty for the possession of a firearm during the commission of certain crimes, so as to provide that a person convicted of committing or attempting to commit a violent crime while in the possession of a firearm or who visibly displays a firearm or knife during the commission of a violent crime shall, in addition to punishment for the crime, receive an additional five-year term of imprisonment and to provide certain exceptions to and conditions of this additional sentence; to designate Section 1 of Act 185 of 1977 as Section 24-13-610 of the 1976 Code which relates to the authorization of extended work release programs and to amend Section 24-23-610 so as to provide that no person convicted of murder or criminal sexual conduct in the first or second degree may participate in this extended work release program; to amend Section 24-21-640, as amended, relating to the circumstances warranting parole, so as to provide that parole is not authorized to any prisoner serving a sentence for a second subsequent conviction for a violent crime; to amend Section 24-21-645, relating to provisional parole orders, and Section 24-21-650, as amended, relating to parole orders, so as to provide at least two-thirds of the members of the Board of Parole and Community Corrections must sign these orders authorizing parole for persons convicted of a violent crime, and to provide upon a negative determination of the parole, prisoners in confinement for a violent crime must have their cases reviewed every two years for the purpose of a determination of parole; to amend the 1976 Code by adding Section 16-1-60 so as to provide for the definition of a violent crime; to amend the 1976 Code by adding Section 16-1-70 so as to provide for the definition of a nonviolent crime; to amend Section 24-21-610, as amended, relating to part of a sentence required to be served by a prisoner as a prerequisite to parole, so as to revise the minimum sentences required to be served by certain prisoners as a prerequisite to parole; to amend Section 24-13-710, as amended, relating to the supervised furlough program, so as to revise the type of inmates who are not eligible for this program; to amend Section 17-25-45, relating to life sentences for persons convicted three times of certain crimes, so as to revise these crimes and to provide that this sentence must be life imprisonment without parole; to provide that any State or local prisoner who is not in the highest trusty grade and who is assigned to a work detail outside the confines of any correctional facility shall wear a statewide uniform; to provide that no person convicted of a violent crime can be released back into the community in which he committed the offense under the work release program; to amend Sections 14-1-210, 14-1-220, and 14-1-230, relating to the establishment of certain cost of court fees to fund local correctional facilities, so as to provide that no cost of court fees may be assessed where a term of imprisonment only is imposed as the punishment and to revise the purposes for which these funds may be used; to provide that any new program established under this Act or any change in any existing program may only be implemented to the extent that appropriations for such programs have been authorized by the General Assembly; to provide for certain factors which may be considered when determining the location of new correctional facilities to be constructed by the State; and to amend Section 16-3-28, relating to the right of the defendant to make the last argument in any criminal trial where the maximum penalty that may be imposed is death, so as to provide that the defendant and his counsel shall have the right to make the last argument.-amended title

<b>04/04/85</b>	<b>Senate</b>	<b>Introduced and read first time SJ-1317</b>
<b>04/04/85</b>	<b>Senate</b>	<b>Referred to Committee on Corrections and Penology SJ-1319</b>
<b>04/04/85</b>	<b>Senate</b>	<b>In committee, retaining its place on calendar</b>
<b>04/11/85</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Corrections and Penology SJ-1463</b>
<b>04/11/85</b>	<b>Senate</b>	<b>Debate adjourned until at least Thursday, April 18 SJ-1465</b>
<b>04/18/85</b>	<b>Senate</b>	<b>Debate interrupted SJ-1658</b>
<b>04/23/85</b>	<b>Senate</b>	<b>Debate interrupted SJ-1697</b>
<b>04/24/85</b>	<b>Senate</b>	<b>Debate interrupted SJ-1752</b>
<b>04/25/85</b>	<b>Senate</b>	<b>Read second time SJ-1785</b>
<b>04/25/85</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-1785</b>
<b>04/25/85</b>	<b>Senate</b>	<b>Special order SJ-1785</b>
<b>04/30/85</b>	<b>Senate</b>	<b>Amended SJ-1806</b>
<b>04/30/85</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-1866</b>
<b>05/01/85</b>	<b>House</b>	<b>Introduced and read first time HJ-2775</b>
<b>05/01/85</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-2777</b>
<b>02/25/86</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-918</b>
<b>02/25/86</b>	<b>House</b>	<b>Special order, set for 10:30 a.m.-Thurs-Feb 27,1986 (Under H 3542, as amended) HJ-958</b>
<b>02/27/86</b>	<b>House</b>	<b>Amended HJ-1035</b>
<b>02/27/86</b>	<b>House</b>	<b>Read second time HJ-1102</b>
<b>02/27/86</b>	<b>House</b>	<b>Roll call Yeas-095 Nays-001 HJ-1102</b>
<b>02/27/86</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day HJ-1102</b>

02/28/86	House	Read third time HJ-1106
02/28/86	House	Returned HJ-1106
03/12/86	Senate	Amended SJ-1015
03/12/86	Senate	Debate interrupted SJ-1017
03/13/86	Senate	House amendment amended SJ-1028
03/13/86	Senate	Debate interrupted SJ-1041
03/18/86	Senate	House amendment amended SJ-1073
03/18/86	Senate	Debate interrupted SJ-1082
03/19/86	Senate	House amendment amended SJ-1085
03/19/86	Senate	Returned SJ-1118
03/26/86	House	Non-concurrence in Senate amendment HJ-1950
04/02/86	Senate	Senate insists upon amendment and conference committee appointed Sens. Horace Smith, Tom Smith, and McConnell SJ-1375
04/02/86	House	Conference committee appointed J. Arthur, Sheheen & Toal HJ-2139
05/20/86	House	Free conference powers granted HJ-3112
05/20/86	House	Free conference committee appointed J. Arthur, Sheheen & Toal HJ-3115
05/20/86	Senate	Free conference powers granted SJ-2744
05/20/86	Senate	Free conference committee appointed Sens. Horace Smith, McConnell, and Tom Smith SJ-2747
05/22/86	Senate	Free conference report received SJ-2859
05/22/86	Senate	Free conference report adopted SJ-2900
05/27/86	House	Free conference report received HJ-3307
05/27/86	House	Free conference report adopted HJ-3347
05/27/86	House	Ordered enrolled for ratification HJ-3350
05/28/86		Ratified R 513
06/03/86		Signed By Governor
06/03/86		Effective date 06/03/86
06/03/86		Act No. 462
06/03/86		See Act for exceptions to effective date
06/20/86		Copies available