

## Session 115 - (2003-2004)

**S\*0477 (Rat #0142, Act #0092 of 2003) General Bill, By Ritchie, Ford, Leventis and Richardson**

**Similar (S 0304, S 0368, H 3253)**

**Summary:** Domestic Violence Protection Act of 2003

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "DOMESTIC VIOLENCE PREVENTION ACT OF 2003"; TO AMEND SECTION 16-1-60, AS AMENDED, RELATING TO VIOLENT CRIMES, SO AS TO INCLUDE CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE AS A VIOLENT CRIME; TO AMEND ARTICLE 1, CHAPTER 25 OF TITLE 16, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES, SO AS TO REDEFINE "HOUSEHOLD MEMBER"; TO REVISE PENALTIES FOR SUBSEQUENT CRIMINAL DOMESTIC VIOLENCE OFFENSES COMMITTED WITHIN TEN YEARS; TO ESTABLISH A MANDATORY NINETY DAY MINIMUM SENTENCE FOR PERSONS CONVICTED OF MORE THAN TWO CRIMINAL DOMESTIC VIOLENCE OFFENSES WITHIN TEN YEARS; TO SPECIFY THE ELEMENTS OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO MAKE THIS OFFENSE A FELONY, AND TO RESTRICT THE PUNISHMENT FOR THIS OFFENSE TO IMPRISONMENT ONLY; TO REQUIRE A LAW ENFORCEMENT AGENCY TO INVESTIGATE AN ALLEGATION OF CRIMINAL DOMESTIC VIOLENCE EVEN IF THE AGENCY WAS NOT NOTIFIED AT THE TIME OF THE VIOLATION; TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A LAW ENFORCEMENT OFFICER IS NOT REQUIRED TO MAKE AN ARREST FOR CRIMINAL DOMESTIC VIOLENCE; TO AMEND SECTION 17-22-50, RELATING TO PRETRIAL INTERVENTION, SO AS TO PROVIDE THAT A PERSON MUST NOT BE CONSIDERED FOR INTERVENTION IF THE PERSON HAS BEEN CHARGED WITH A CRIMINAL DOMESTIC VIOLENCE OFFENSE IF THE PERSON HAD PREVIOUSLY BEEN CONVICTED OF SUCH AN OFFENSE; TO AMEND SECTION 56-7-15, RELATING TO UNIFORM TRAFFIC TICKETS, SO AS TO REQUIRE AN OFFICER WHO EFFECTS AN ARREST, BY USE OF A UNIFORM TRAFFIC TICKET, FOR A CRIMINAL DOMESTIC VIOLENCE VIOLATION TO SUBSEQUENTLY COMPLETE AND FILE AN INCIDENT REPORT WITHIN FIFTEEN DAYS OF THE ISSUANCE OF THE TICKET; TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGMENT OF RECORDS FOR FIRST OFFENSE CONVICTIONS IN MAGISTRATE OR MUNICIPAL COURT, SO AS TO AUTHORIZE EXPUNGMENT OF RECORDS FOR FIRST OFFENSE CRIMINAL DOMESTIC VIOLENCE; TO ADD ARTICLE 21 TO CHAPTER 1, TITLE 1 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 AND THE SOUTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT WITH THE APPROVAL OF 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 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 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 20-7-380 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO MAKE STAFF TRAINING ON DOMESTIC VIOLENCE AVAILABLE TO CHILDCARE FACILITY OWNERS AND OPERATORS.

- ratified title

03/12/03	Senate	Introduced and read first time SJ-3
03/12/03	Senate	Referred to Committee on Judiciary SJ-3
04/09/03	Senate	Committee report: Favorable with amendment Judiciary SJ-22
04/10/03	Senate	Amended SJ-17
04/10/03	Senate	Read second time SJ-17
04/14/03		Scrivener's error corrected
04/15/03	Senate	Read third time and sent to House SJ-55
04/16/03	House	Introduced and read first time HJ-6
04/16/03	House	Referred to Committee on Judiciary HJ-6

05/28/03	House	Committee report: Favorable with amendment Judiciary HJ-75
05/29/03		Scrivener's error corrected
06/03/03		Scrivener's error corrected
06/03/03	House	Requests for debate-Rep(s). Altman and Scarborough HJ-79
06/03/03	House	Debate interrupted HJ-79
06/03/03	House	Requests for debate-Rep(s). Moody-Lawrence and Scott HJ-89
06/03/03	House	Amended HJ-89
06/03/03	House	Rejected HJ-93
06/03/03	House	Reconsider vote whereby rejected HJ-147
06/03/03	House	Amended HJ-149
06/03/03	House	Read second time HJ-154
06/04/03	House	Read third time and returned to Senate with amendments HJ-13
06/04/03	Senate	Non-concurrence in House amendment SJ-25
06/04/03	House	House insists upon amendment and conference committee appointed Reps. Lucas, GM Smith and Coleman HJ-156
06/05/03	Senate	Conference committee appointed Ritchie, Knotts and Ford SJ-174
06/05/03	Senate	Conference report received and adopted SJ-174
06/05/03	House	Conference report received and adopted HJ-253
06/05/03	Senate	Ordered enrolled for ratification SJ-174
06/05/03		Ratified R 142
08/27/03		Signed By Governor
09/03/03		Effective date 01/01/04
09/03/03		Copies available
09/18/03		Act No. 92