

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 EXPUNGEMENT 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

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| 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 |

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| 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 |