Session 122 - (2017-2018)

S 0666 General Bill, By Malloy

Summary: Amendment to Code of Laws

A BILL TO AMEND SECTION 16-3-20 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO HOMICIDE, TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR A PERSON CONVICTED OF MURDER, TO REMOVE THE REQUIREMENTS FOR THE IMPLEMENTATION OF THE DEATH PENALTY, TO REMOVE THE REQUIRED PROCEDURES FOR A DEATH PENALTY TRIAL, TO REMOVE DESIGNATED AGGRAVATING AND MITIGATING CIRCUMSTANCES USED TO ENHANCE THE PENALTY TO DEATH, TO REMOVE JURY INSTRUCTION REQUIREMENTS AND THE PROCEDURES FOR APPEALS, AND TO MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 16-3-655 TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR WHO IS LESS THAN ELEVEN YEARS OF AGE, SECOND OFFENSE, TO REMOVE THE REQUIREMENTS FOR THE IMPLEMENTATION OF THE DEATH PENALTY, TO REMOVE THE REQUIRED PROCEDURES FOR A DEATH PENALTY TRIAL, TO REMOVE DESIGNATED AGGRAVATING AND MITIGATING CIRCUMSTANCES USED TO ENHANCE THE PENALTY TO DEATH, TO REMOVE JURY INSTRUCTION REQUIREMENTS AND THE PROCEDURES FOR APPEALS, AND TO MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 10-11-325 TO REMOVE THE PENALTY OF DEATH AS A PUNISHMENT FOR THE USE OF AN EXPLOSIVE DEVICE ON THE CAPITOL GROUNDS RESULTING IN DEATH; TO AMEND SECTION 16-23-490 TO REMOVE THE REFERENCE TO THE DEATH PENALTY AS AN EXEMPTION TO THE FIVE YEAR CONSECUTIVE PENALTY FOR DISPLAYING A FIREARM IN THE COMMISSION OF A VIOLENT CRIME; TO AMEND SECTION 16-23-715 TO REMOVE THE PENALTY OF DEATH FOR A PERSON CONVICTED OF USE OF A WEAPON OF MASS DESTRUCTION IN FURTHERANCE OF AN ACT OF TERRORISM; TO AMEND SECTION 16-23-720 TO REMOVE THE PENALTY OF DEATH FOR A PERSON CONVICTED OF INTENTIONAL USE OF A DESTRUCTIVE DEVICE; TO AMEND SECTION 1-7-100 TO REMOVE THE OBLIGATION OF THE ATTORNEY GENERAL TO ASSIST SOLICITORS BY ATTENDING THE GRAND JURY IN CAPITAL CASES; TO AMEND SECTION 17-3-330 TO DELETE THE REQUIREMENT THAT THE OFFICE OF INDIGENT DEFENSE ROLL OVER UNEXPENDED FUNDS INTO A FUND FOR THE DEFENSE OF CAPITAL CASES; TO AMEND SECTION 17-3-520 TO REMOVE THE REQUIREMENT THAT A CIRCUIT PUBLIC DEFENDER BE CERTIFIED TO DEFEND CAPITAL CASES AND TO REMOVE THE REQUIREMENT THAT THE CIRCUIT PUBLIC DEFENDER MUST ESTABLISH PROCEDURES FOR ASSIGNING COUNSEL IN CAPITAL CASES; TO AMEND SECTION 17-17-10 TO REMOVE REFERENCES TO SOMEONE CHARGED WITH A FELONY PUNISHABLE BY DEATH RELATING TO THE ENTITLEMENT OF A WRIT OF HABEAS CORPUS; TO AMEND SECTION 17-25-45 TO REMOVE REFERENCES TO CASES INVOLVING THE DEATH PENALTY RELATING TO THE SENTENCING OF SERIOUS AND MOST SERIOUS OFFENSES; TO AMEND SECTION 17-27-130 TO REMOVE THE REQUIREMENT THAT COUNSEL FOR A DEFENDANT SENTENCED TO DEATH MUST MAINTAIN HIS FILES EXCEPT FOR THAT WHICH WAS ADMITTED INTO EVIDENCE AT TRIAL; TO AMEND SECTION 17-27-150 TO REMOVE THE PROVISION THAT A PARTY IN A CAPITAL POST CONVICTION RELIEF PROCEEDING IS ENTITLED TO DISCOVERY; TO AMEND SECTION 18-1-90 REMOVE THE REFERENCE TO DEFENDANTS SENTENCED TO DEATH FOR THE EXCLUSION OF THE RIGHT OF A DEFENDANT FOR BAIL; TO AMEND SECTION 22-5-310 TO REMOVE THE REFERENCE TO THE EXCEPTION OF CAPITAL CASES RELATING TO THE JURISDICTION OF MAGISTRATES; TO AMEND SECTION 24-3-40 TO REMOVE THE REFERENCE TO A PRISONER SENTENCED TO DEATH RELATING TO THE RIGHT TO HAVE PRISONER'S ESCROWED WAGES DISTRIBUTED TO THE PERSON OF HIS CHOICE; TO AMEND SECTIONS 24-13-125, 24-13-150, AND 24-21-560 TO REMOVE THE EXCEPTION OF DEATH PENALTY CASES IN REGARDS TO THE ELIGIBILITY OF WORK RELEASE, EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION FOR INMATES IN THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 25-7-40 TO REMOVE THE PENALTY OF DEATH FOR SOMEONE WHO, DURING TIMES OF WAR, COLLECTS, RECORDS, OR ATTEMPTS TO ELICIT CERTAIN MILITARY INFORMATION OR PLANS WITH THE INTENT TO COMMUNICATE THE INFORMATION TO THE ENEMY; TO REPEAL SECTION 1-7-340 RELATING TO THE ATTENDANCE AT INQUESTS AND PRELIMINARY HEARINGS IN CAPITAL CASES BY SOLICITORS; TO REPEAL SECTION 16-3-21 RELATING TO JURY INSTRUCTIONS IN CAPITAL CASES; TO REPEAL SECTION 16-3-25 RELATING TO THE REVIEW OF DEATH PENALTY CASES BY THE SUPREME COURT; TO REPEAL SECTION 16-3-26 RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN CASES WHERE THE DEATH PENALTY IS SOUGHT AND THE PAYMENT OF COSTS AND EXPENSES BY THE OFFICE OF INDIGENT DEFENSE; TO REPEAL SECTION 16-3-28 RELATING TO THE RIGHT OF A CAPITAL DEFENDANT TO HAVE LAST ARGUMENT AT TRIAL; TO REPEAL SECTION 17-19-80 RELATING TO THE RIGHT OF A PERSON INDICTED FOR A CAPITAL OFFENSE TO HAVE A COPY OF THE INDICTMENT; TO REPEAL SECTION 17-25-370 RELATING TO THE EXECUTION OF THE DEATH SENTENCE UPON AFFIRMANCE OF JUDGEMENT OR

DISMISSAL OR ABANDONMENT OF APPEAL; TO REPEAL SECTION 17-25-380 RELATING TO THE NOTICE FOR THE IMPOSITION OF THE SENTENCE OF DEATH SENT TO THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS; TO REPEAL SECTION 17-25-390 RELATING TO THE RECEIPT OF THE NOTICE OF THE IMPOSITION OF THE SENTENCE OF DEATH; TO REPEAL SECTION 17-25-400 RELATING TO THE SERVICE OF NOTICE OF THE IMPOSITION OF THE SENTENCE OF DEATH ON THE DEFENDANT; TO REPEAL SECTION 17-27-160 RELATING TO POST-CONVICTION RELIEF PROCEDURES FOR CAPITAL CASES; TO REPEAL SECTION 18-9-20 RELATING TO REQUIREMENT THAT THE SUPREME COURT REVIEW THE CONVICTION OF EACH CAPITAL CASE; TO REPEAL SECTION 24-21-615 RELATING TO THE REVIEW OF PRISONER BENEFITS FOR PERSONS CONVICTED OF A CAPITAL OFFENSE BY THE PAROLE BOARD; AND TO REPEAL ARTICLE 5, CHAPTER 3, TITLE 24 RELATING TO THE REQUIREMENTS OF THE IMPOSITION OF A DEATH SENTENCE BY THE DEPARTMENT OF CORRECTIONS, INCLUDING PROCEDURES, POSSIBLE WITNESSES TO THE EXECUTION, PAYMENT OF EXPENSES, AND THE DISPOSITION OF THE BODY.

04/26/17 Senate Introduced and read first time (Senate Journal-page 4)

04/26/17 Senate Referred to Committee on Judiciary (Senate Journal-page 4)