## **Legislative Update No. 21**

## **House Floor Actions**

**(June 14, 2023)**

The General Assembly has passed **H. 3532 (R. 98), committing crimes while out on bond** and enrolled it for ratification.

This measure imposes a mandatory five-year jail term for anyone out on a pretrial bond, or other pretrial release, for committing a statutorily listed violent crime who is then found, beyond a reasonable doubt, to have committed another, unrelated, and statutorily-listed, violent crime or possessing a firearm while committing a felony. These violent crimes include rape, domestic violence, offenses involving preying on minors, strong arm robbery, weapons offenses, or using weapons to commit these types of crimes while out of jail on bond. This jail time could be imposed only after the conclusion of a separate sentencing hearing, to be conducted as soon as possible after a defendant is convicted of the second, unrelated violent crime. If a defendant is found guilty of the second violent crime through a jury verdict, that jury would hear all evidence related to this offense. If a conviction results after a non-jury hearing or guilty plea, the trial judge would hear the entire, relevant evidence as defined in the legislation.

Solicitors would be required to file a written 30-Day Notice with defendants of their intent to pursue this charge. They also would have to prove the elements of it beyond a reasonable doubt. Also, if the second offense is committed in another judicial circuit, that circuit solicitor must send notice to the original offense circuit solicitor.

Once the first pretrial bond or other pretrial release is revoked, and a written order has been issued with findings of fact and conclusions of law, a hearing on setting any subsequent bond would have to be held within 14 days of the first bond being revoked. These subsequent bond hearings require personal appearance by the offender, and this legislation sets out specific minimum information that the court must cover with the offender at this hearing. Any subsequent bond in these circumstances would have to be paid in full in US currency, to the exclusion of all other forms of bond, but could be posted either by a defendant or a bondsman. Motions for revocation or modification of any bond would have to be in writing, heard, and a ruling made within 30 days after notice was filed. These hearings could not be held unless all sureties or bondsmen have been given notice of it. Additionally, any surety or cash bond provider who accepted collateral to issue that subsequent bond could not liquidate it without providing notice of their intent via certified mail, return receipt requested.

While serving this five-year sentence, offenders would not be eligible for good-time credits, parole, work release, or extended work release. Defendants or prosecutors would still be able to file speedy trial motions for disposition of this offense. As a final feature, this legislation exempts electronic monitoring device service technicians from existing law that sets out criminal penalties for altering or otherwise tampering with an electronic monitoring device.

The General Assembly has overridden the governor’s veto of **H. 3890, R. 85**, whichfacilitates **Youthful Offender Driving Under Suspension Conviction Expungements.** It is now the law in this state.Youthful offenders convicted of driving under suspension or disturbing schools would be able to expunge these convictions after they meet specified prerequisites. These include having no other in-state or out-of-

state convictions, other than one for driving under suspension or, prior to May 17, 2018, a conviction for disturbing schools, during their service of a youthful offender sentence including probation and parole or during the five‑year period following completion of their youthful offender sentence, also including probation and parole time.

The General Assembly has passed, and enrolled for ratification, **H. 3553 (R. 99),** a bill to remove **Adoption Waiting Periods** in South Carolina Department of Social Services [SCDSS] cases. This bill eliminates the existing statutory 90-day waiting period after adoption petitions have been filed before adoptions may be finalized with an adoption decree. Adoptions would still have to be completed within six months of the adoption petition being filed. However, adoptions of special needs children are allowed to take up to twelve months for completion. This ratified legislation allows the petitioning, or amending any pending paperwork, to terminate the parental rights of the birth parents at any time, even if a permanency placement petition has not yet been granted in a SC DSS removal case. In the event a child is left at a statutorily-defined ‘safe haven’ location, this legislation deems that action to be grounds for terminating parental rights at that moment. Also, the definition of a ‘special needs child’ will include any child with a marginalized ethnic background.

**S. 96** thatallows minors aged 16 and younger to go **jet skiing after obtaining safety certification** has been enrolled for ratification as R. 90. It would prohibit any minor from operating a ‘personal watercraft,’ jet ski, or other specialty prop-craft, less than 16 feet long, along with other specifications set out in this bill, until they have successfully completed a SC Department of Natural Resources (SC DNR) approved boating safety education class. Exceptions to these requirements include riding with someone 18 years or older who has a boating operation certification or other licensure from the United States Coast Guard.

The House and Senate adopted the free conference committee report on **S. 108**, a bill that makes provisions for **death benefits for first responders killed in the line of duty**, and the legislation was ratified. The benefit, paid to surviving spouses or other beneficiaries, applies to certain law enforcement officers, reserve officers, detention and correctional officers, constables, emergency medical technicians, paid and volunteer firefighters, coroners, and deputy coroners. The amount of the benefit is $75,000, but is increased to $150,000 if certain conditions apply, such as if the death is the result of an unlawful deliberate act, or is due to an accident that occurs in the pursuit of a suspect, during an emergency response, while at the scene of a traffic accident, or in the enforcement of traffic laws and ordinances.

The conference committee report on **S. 330, malicious injury to electric, telephone, or telegraph utility systems and infrastructure,** has been adopted by the General Assembly, is enrolled as R. 92, and is on the governor’s desk for his signature. After national incidents of damage to these installations, this legislation puts in place a graduated, tiered system of punishments that enhances those set out in our existing criminal code. Jail time can be up to 25 years depending on the amount of damage perpetrators inflict on any of these utility installations. Any fines levied will be in the discretion of the trial court judge. One last component of this legislation is the right of injured parties to civilly sue offenders and recover their losses, including their costs of the lawsuit.

The House adopted the conference report on **H. 4023**, amendments to **the First Steps To School Readiness Act** (H. 4023, ratified). The bill has been ratified. Of primary significance to the legislation is that First Steps is now permanently enacted (future reauthorization is not necessary). Another significant change is that the legislative delegation may by resolution delegate some or all of its appointments to the county council.

The legislation asserts that the First Steps Board will continue to hire the Executive Director, while much of this amending legislation focuses on local partnership boards. On the local boards, appointed members shall comprise a voting majority of the board. Local partnership boards will consist of elected and appointed members, with no more than 4 elected members; members to be elected by the local partnership board; 6 members appointed by the legislative delegation (the legislative delegation may be resolution delegate all or some of its appointments to county council); 3 members appointed by the legislative delegation upon recommendation by the local DSS, DHEC, and Head Start offices; 1 member appointed by the county council with a recommendation from the county library system; and 1 appointed from each school district located within the partnership region (this number could vary from 1 to 7 (i.e., Spartanburg has 7 districts).

The Office of First Steps, in consultation with the Office of State Procurement, must adopt and develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase of goods and services. First Steps is to still participate in data-sharing initiatives supported by the advisory council and act as the governing body for a unified and integrated data collection system, implement sound data governance policies that protect privacy, and maintain a comprehensive infrastructure for integrated, and also, if possible, longitudinal data for public early childhood education and development programs; develop and maintain parent knowledge-building activities, including web-based portals to inform parents of all publicly funded early childhood programs and services which include, but are not limited to, an eligibility screener and common application.

**S. 397**, is a bill that transfers regulatory authority of **athletic skills trainers** from the Department of Health and Environmental Control (DHEC) to the Board of Medical Examiners, which is under the Department of Labor, Licensing and Regulation (LLR). In an effort to strengthen athlete training services, the bill creates licensure for athletic skills trainers. The bill outlines requirements and certifications that an applicant must possess in order to obtain an initial athletic trainer license and for license renewal.  "Athletic skills trainer” means an allied health professional with specific qualifications who provide services under the direction of or in collaboration with a licensed physician. Services provided by athletic skills trainers may include the prevention, identification, assessment, treatment, or rehabilitation of injuries and illnesses under the direction of a licensed physician. A person who holds himself out as an athletic trainer without being licensed is guilty of a misdemeanor and, upon conviction, must be fined not more than $300 or imprisoned for not more than ninety days, or both. The bill also creates an Athletic Trainers Advisory Committee consisting of nine members appointed by the Board of Medical Examiners. The House receded from amendments and enrolled the bill for ratification (6/14/2023).

**INTRODUCTIONS**

**Judiciary**

**H. 4529 "SOUTH CAROLINA SAVE OUR VENUES ACT" Rep. S. Jones**

The "South Carolina Save Our Venues Act” would add certain civil rights of action for injuries resulting from alcoholic consumption.

NOTE: These summaries are prepared by the South Carolina House of Representatives staff and are not the expression of the legislation's sponsor(s) or the House of Representatives. They are strictly for the use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.