~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 31:7: “I will be glad and rejoice in your love, for you saw my affliction and knew the anguish of my soul.”

Let us pray. Almighty God, source of all knowledge and compassion, You give us additional chances in life to get things right. Come to the aid of Your people here as they wrestle with the agenda to get it right for the progress of this great State. Bestow Your bountiful blessings upon those who lead us in our daily lives in this place. For our Nation and her leaders, give them Your blessings and peace. Protect our defenders of freedom at home and abroad as they protect us. Hear us as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 23, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that the Report of the Committee of Free Conference, having been adopted by both Houses, it was ordered that the title be changed to that of an Act and the Act enrolled for ratification.

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 23, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 963:

S. 963 -- Senators Knotts, Cromer, Courson and Setzler: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF LEXINGTON COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEES**

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter and Anderson: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23-47-20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE "A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911" AS A SYSTEM REQUIREMENT AND TO ADD "ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS" AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23-47-67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23-47-68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23-47-69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23-47-70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A. D. Young, Huggins, E. H. Pitts, Edge, Toole, Kirsh, J. R. Smith, G. R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009" BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15-32-220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1-7-750 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15-3-160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15-5-10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15-73-10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33-6-220 AND 33-44-303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39-5-20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39-5-140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY "OUT-OF-POCKET EXPENSES" AND TO DEFINE THIS TERM; TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15-32-200, 15-32-210, AND 15-32-240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 1142 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SECRETARY OF STATE, RELATING TO UNIFORM REAL PROPERTY RECORDING ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4078, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4225 -- Reps. Rutherford, McLeod and Weeks: A BILL TO AMEND SECTION 16-3-1400, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON THE VICTIM ASSISTANCE PROGRAM, SO AS TO PROVIDE THAT THE TERM "VICTIM SERVICE PROVIDER" DOES NOT INCLUDE MAGISTRATE OR MUNICIPAL JUDGES AND THEIR STAFF.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17-30-125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON'S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4434 -- Reps. Nanney, Clemmons, Horne and Sellers: A BILL TO AMEND SECTION 7-13-35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF ELECTION GIVEN BY THE AUTHORITY CHARGED BY LAW WITH CONDUCTING AN ELECTION, SO AS TO DELETE THE REQUIREMENT THAT THE NOTICE BE PUBLISHED IN A NEWSPAPER AND THAT INSTEAD IT BE POSTED ON THE WEBSITE OF THE STATE ELECTION COMMISSION, AND TO PROVIDE THAT THIS NOTICE BE POSTED FORTY-FIVE DAYS INSTEAD OF SIXTY DAYS BEFORE AN ELECTION.

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4606 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester and Owens: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1211 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN MARK R. MCDOWELL OF THE UNITED STATES AIR FORCE WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1212 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE THE VALOR OF UNITED STATES MARINE CORPS LANCE CORPORAL MILLS PALMER BIGHAM FOR HIS SERVICE TO OUR NATION, AND TO COMMEND HIS FAMILY FOR FOUNDING HIDDEN WOUNDS IN ORDER TO HELP WAR VETERANS SUFFERING FROM POST TRAUMATIC STRESS DISORDER.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1213 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS JASON ROBERT WATSON OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1214 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SERVICE OF SPECIALIST LARRY CURTIS APPLEGATE OF THE UNITED STATES ARMY DURING HIS TWO TOURS OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4607 -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-2-308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37-6-108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37-2-308.

Referred to Committee on Labor, Commerce and Industry

H. 4608 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-85 SO AS TO ESTABLISH CERTAIN CONDITIONS UNDER WHICH A PROTECTED CELL MAY BE CREATED AND MAINTAINED; BY ADDING SECTION 38-90-213 SO AS TO AUTHORIZE A CAPTIVE INSURANCE COMPANY TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-215 SO AS TO AUTHORIZE A PROTECTED CELL TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY AND TO PROVIDE CONDITIONS FOR THIS ACTION; BY ADDING SECTION 38-90-455 SO AS TO AUTHORIZE A SPECIAL PURPOSE FINANCIAL CAPTIVE TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-457 SO AS TO AUTHORIZE A PROTECTED CELL OF A SPECIAL PURPOSE FINANCIAL CAPTIVE TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY; TO AMEND SECTION 33-9-100, RELATING TO ARTICLES OF DOMESTICATION, SO AS TO CHANGE REFERENCES OF "STATE" TO "JURISDICTION"; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS USED IN CHAPTER 90, TITLE 38 PERTAINING TO CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE THE DEFINITION OF "SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY"; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO CHANGE THE MANNER IN WHICH VARIOUS TYPES OF CAPTIVE INSURANCE COMPANIES MAY BE INCORPORATED OR ORGANIZED; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO APPLICATION OF PROVISIONS, DIRECTOR DISCRETION, AND EXEMPTION OF SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT EXEMPTIONS MAY BE EXTENDED ON A CASE BY CASE BASIS AND MAKE A SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY SUBJECT TO PROVISIONS OF CHAPTER 90, TITLE 38 NOT OTHERWISE APPLICABLE TO IT; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO APPLICABILITY OF PROVISIONS RELATING TO INSURANCE REORGANIZATIONS, RECEIVERSHIPS, AND INJUNCTIONS, AND SPONSORED CAPTIVE INSURANCE COMPANY ASSETS AND CAPITAL PROVISIONS, SO AS TO PROVIDE THAT THE TERMS AND CONDITIONS OF CHAPTERS 26 AND 27, TITLE 38 APPLY TO EACH OF THE SPONSORED CAPTIVE INSURANCE COMPANY'S PROTECTED CELL, INDEPENDENTLY, OR BOTH, WITHOUT CAUSING OR EFFECTING CERTAIN ACTIONS; TO AMEND SECTION 38-90-210, RELATING TO FORMATION OF A SPONSORED CAPTIVE INSURANCE COMPANY AND ESTABLISHING PROTECTED CELLS, SO AS TO ADD CONDITIONS UNDER WHICH A SPONSORED CAPTIVE INSURANCE COMPANY FORMED OR LICENSED PROVIDED BY CHAPTER 90, TITLE 38 MAY ESTABLISH AND MAINTAIN ONE OR MORE PROTECTED CELLS TO INSURE RISKS OF ONE OR MORE OF ITS PARTICIPANTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO REQUIREMENTS APPLICABLE TO SPONSORS, SO AS TO PROVIDE THAT THE DIRECTOR MAY APPROVE AN ADDITIONAL ENTITY UNDER CERTAIN CONDITIONS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CONDITIONS UNDER WHICH A PARTICIPANT WHOSE RISKS ARE INSURED THROUGH A PROTECTED CELL ENTITY FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-215; TO AMEND SECTION 38-90-235, RELATING TO TERMS, CONDITIONS, AND EXCEPTIONS FOR PROTECTED CELL INSURANCE COMPANIES APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE FOR THE APPLICABILITY OF LAW WHEN A CONFLICT OCCURS; TO AMEND SECTION 38-90-485, RELATING TO THE EFFECT OF CREATION, NAMING, AND MANAGEMENT OF ASSETS OF A PROTECTED CELL, SO AS TO PROVIDE FOR AN EXCEPTION TO PROTECT CELLS FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-457; AND TO AMEND SECTION 38-90-830, RELATING TO EXEMPTIONS, POWERS, AND DUTIES OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY, SO AS TO DELETE THE AUTHORITY OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY FORMED AS A SPONSORED CAPTIVE INSURANCE COMPANY TO CREATE A PROTECTED CELL AS A LEGAL PERSON SEPARATE FROM THE PROTECTED CELL COMPANY AND DELETE THE AUTHORITY TO ORGANIZE A PROTECTED CELL UNDER AVAILABLE INCORPORATION OR ORGANIZATION OPTIONS.

Referred to Committee on Labor, Commerce and Industry

S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9-8-50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

Referred to Committee on Ways and Means

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

Referred to Committee on Ways and Means

S. 1145 -- Senator Leatherman: A BILL TO AMEND SECTIONS 9-1-1540, 9-9-65, AND 9-11-80 OF THE 1976 CODE, RELATING TO THE DATE UPON WHICH AN APPLICATION FOR DISABILITY RETIREMENT MUST BE FILED WITH THE SOUTH CAROLINA RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS PRIOR TO THE DATE OF FILING.

Referred to Committee on Ways and Means

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9-1-1770, 9-1-1775, 9-8-110, 9-9-100, 9-11-120, 9-11-125, AND 9-11-140 OF THE 1976 CODE, RELATING TO THE PAYMENT OF DEATH BENEFITS IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS, TO REPEAL CERTAIN DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE THAT BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH INSURANCE BENEFIT SHALL NOT BE TREATED AS A LIFE INSURANCE BENEFIT, AND TO PROVIDE THAT ADJUSTMENTS TO BENEFITS SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 9-11-310.

Referred to Committee on Ways and Means

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Duncan |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | Whipper |
| White | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 24.

|  |  |
| --- | --- |
| Carl Anderson | Lester P. Branham |
| Tracy Edge | Anton J. Gunn |
| David Mack | Lewis E. Pinson |
| James E. Smith | William R. "Bill" Whitmire |
| Chris Hart | G. Murrell Smith |
| Shannon Erickson | Robert Williams |
| Ted Vick | Denny Neilson |
| Dwight Loftis | Lonnie Hosey |
| Thad Viers | James Lucas |
| Todd Rutherford |  |

**Total Present--120**

**STATEMENTS OF ATTENDANCE**

Reps. JENNINGS and BANNISTER signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, February 23.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CRAWFORD a leave of absence for the day due to business out-of-state.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a leave of absence for the day due to business in Washington, D.C.

**DOCTOR OF THE DAY**

Announcement was made that Dr. William Hueston of Charleston was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House the Paul M. Dorman High School "Fighting Cavaliers" Varsity Football Team, the 2009 Class AAAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House the Paul M. Dorman High School Varsity Volleyball Team, the 2009 Class AAAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4129 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4448 |
| Date: | ADD: |
| 02/24/10 | WEEKS, ALLISON, WYLIE, WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4261 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 4256 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 4225 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 4343 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3192 |
| Date: | ADD: |
| 02/24/10 | LOFTIS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3280 |
| Date: | ADD: |
| 02/24/10 | LOFTIS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3964 |
| Date: | ADD: |
| 02/24/10 | LOFTIS |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 3736 |
| Date: | ADD: |
| 02/24/10 | BEDINGFIELD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 02/24/10 | HUTTO |

**CO-SPONSORS ADDED**

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| --- | --- |
| Bill Number: | H. 4129 |
| Date: | ADD: |
| 02/24/10 | WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 4285 |
| Date: | ADD: |
| 02/24/10 | WHIPPER |

**CO-SPONSOR ADDED**

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| --- | --- |
| Bill Number: | H. 4445 |
| Date: | ADD: |
| 02/24/10 | WEEKS |

**CO-SPONSORS ADDED**

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| --- | --- |
| Bill Number: | H. 4500 |
| Date: | ADD: |
| 02/24/10 | R. L. BROWN and WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4503 |
| Date: | ADD: |
| 02/24/10 | R. L. BROWN and WHIPPER |

**CO-SPONSORS ADDED**

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| --- | --- |
| Bill Number: | H. 4507 |
| Date: | ADD: |
| 02/24/10 | R. L. BROWN and WHIPPER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4541 |
| Date: | ADD: |
| 02/24/10 | R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 02/24/10 | BRANHAM |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4585 |
| Date: | ADD: |
| 02/24/10 | UMPHLETT, WYLIE and ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4551 |
| Date: | ADD: |
| 02/24/10 | ANDERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4600 |
| Date: | ADD: |
| 02/24/10 | HUTTO |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 02/24/10 | HARDWICK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4607 |
| Date: | ADD: |
| 02/24/10 | HUGGINS, OTT, HUTTO, HOWARD, ANDERSON, GAMBRELL, RICE, HAYES and ERICKSON |

**S. 19--DEBATE ADJOURNED**

Rep. KELLY moved to adjourn debate upon the following Bill until Thursday, February 25, which was adopted:

S. 19 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CONSTABLE AND SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; AND TO REPEAL SECTION 59-116-70, RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

**H. 4448--DEBATE ADJOURNED**

Rep. THOMPSON moved to adjourn debate upon the following Bill until Thursday, February 25, which was adopted:

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M. A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D. C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H. B. Brown, Kirsh, Forrester, Rice, Anderson, D. C. Smith, Nanney, Vick, Stewart, T. R. Young, Bowers, Allen, V. S. Moss, Whitmire, Littlejohn, G. R. Smith, Hayes, Cobb-Hunter, J. R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R. L. Brown, Whipper and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, TO GIVE THEM THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES, TO PROVIDE FOR THE RECOVERY OF THIS FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES, TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THESE MEASURES, TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES, AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THESE MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8-21-310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY A CLERK OF COURT, REGISTER OF DEEDS, OR COUNTY TREASURER, SO AS TO ALLOW A FEE BE CHARGED FOR FILING A NOTICE OF A METER CONSERVATION CHARGE.

**S. 929--DEBATE ADJOURNED**

Rep. TOOLE moved to adjourn debate upon the following Bill until Thursday, February 25, which was adopted:

S. 929 -- Senators L. Martin and Elliott: A BILL TO AMEND SECTION 41-1-10 OF THE 1976 CODE, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41, ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**S. 454--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

Rep. LOFTIS moved to adjourn debate upon the Senate Amendments until Thursday, February 25, which was agreed to.

**H. 3418--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. LOFTIS moved to adjourn debate upon the Senate Amendments until Thursday, February 25, which was agreed to.

**H. 3395--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Thursday, February 25, which was agreed to.

**H. 3396--DEBATE ADJOURNED**

The Senate Amendments to the following Joint Resolution were taken up for consideration:

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Thursday, February 25, which was agreed to.

**S. 828--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 828 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76, IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH LAFAYETTE STREET THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4575--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4575 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO THE YORK-CHEROKEE COUNTY LINE THE "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. LOFTIS.

**H. 3280--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

**H. 3608--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill, which was adopted:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams, Weeks, Whipper, Gilliard and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

**H. 4033--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill, which was adopted:

H. 4033 -- Reps. Clemmons, Harrell, Gunn, Anderson, Gullick, Limehouse, Hardwick, Merrill, Ott, Rutherford, Bales, V. S. Moss, Duncan, Owens, Bowen, Stavrinakis, Hutto, Allison, Barfield, Battle, Bingham, Branham, H. B. Brown, Cato, Cooper, Crawford, Delleney, Dillard, Gambrell, Harrison, Harvin, Hayes, Hearn, Herbkersman, Horne, Hosey, Howard, Jefferson, Jennings, Kennedy, King, Kirsh, Lowe, Lucas, Mack, McLeod, Miller, D. C. Moss, Neilson, M. A. Pitts, Rice, Sandifer, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Thompson, Weeks, White, Williams, Willis, A. D. Young, Sellers, Erickson, Knight, Whipper, R. L. Brown, Gilliard, Hart and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT" BY ADDING ARTICLE 3 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT AND ENTER INTO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND TO PROVIDE THE PROCEDURE WHEREBY PUBLIC-PRIVATE INITIATIVES ARE SOLICITED, APPROVED, AND IMPLEMENTED; BY ADDING ARTICLE 9 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THE CIRCUMSTANCES WHEREBY TOLLS MAY BE IMPOSED AND COLLECTED ALONG THE STATE'S HIGHWAYS, TO PROVIDE FOR THE PROJECTS THAT MAY BE FINANCED BY TOLL REVENUES, TO PROVIDE PENALTIES FOR A PERSON WHO FAILS TO PAY A TOLL, AND TO PROVIDE THAT THE DEPARTMENT MAY IMPLEMENT AN ELECTRONIC TOLL SYSTEM; BY ADDING SECTION 11-35-3075 SO AS TO PROVIDE THAT THE PROVISIONS THAT ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE SUBJECT TO CERTAIN PORTIONS OF THE CONSOLIDATED PROCUREMENT CODE AND TO CERTAIN EXPANDED DISCUSSIONS AND PROPOSAL REVISIONS; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO THE PURCHASE OF CERTAIN ITEMS THAT ARE EXEMPT FROM THE PROVISIONS CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE PURCHASE OF ITEMS ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE NOT EXEMPT FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO THE APPLICATION OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE AN ENTITY THAT UTILIZES A FEDERAL GRANT TO PROCURE AN ITEM MUST COMPLY WITH ALL APPLICABLE LAWS THAT ARE NOT CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 57-5-1625, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AWARDING OF CONTRACTS THAT USE THE DESIGN-BUILD PROCEDURE, SO AS TO REVISE THE DEFINITION OF THE TERM "DESIGN-BUILD CONTRACT"; TO AMEND SECTION 57-5-1310, RELATING TO THE GENERAL ASSEMBLY'S INTENT WHEN IT PROVIDED THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO CONSTRUCT TURNPIKE PROJECTS, SO AS TO PROVIDE THAT THE DEPARTMENT ALSO HAS THE AUTHORITY TO IMPROVE THESE FACILITIES PURSUANT TO THIS PROVISION; TO AMEND SECTION 57-5-1320, RELATING TO THE DEFINITION OF TERMS REGARDING TURNPIKE PROJECTS, SO AS TO REVISE THE DEFINITION OF THE TERM "TURNPIKE FACILITY"; TO AMEND SECTION 57-5-1330, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO DESIGNATE, ESTABLISH, PLAN, IMPROVE, CONSTRUCT, OPERATE, AND REGULATE TURNPIKE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DESIGNATE AS A TURNPIKE FACILITY ANY TRANSPORTATION FACILITY THAT IS FUNDED IN PART BY A LOCAL OPTION SALES AND USE TAX; TO AMEND SECTION 40-11-360, RELATING TO THE ENTITIES THAT ARE EXEMPT FROM THE PROVISIONS THAT REGULATE LICENSED CONTRACTORS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57-5-1660, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S REQUIREMENT THAT CERTAIN CONTRACTORS MUST FURNISH A BOND FOR CERTAIN CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND PROVIDE THAT WHEN THE DEPARTMENT UTILIZES THE DESIGN-BUILD DELIVERY METHOD FOR A HIGHWAY CONSTRUCTION PROJECT, THE AMOUNT OF THE PERFORMANCE AND INDEMNITY BOND AND PAYMENT BONDS REQUIRED BY THIS PROVISION RELATE ONLY TO THE PORTION OF THE CONTRACT CONCERNING CONSTRUCTION; AND TO REPEAL SECTIONS 12-28-2920, 57-3-200, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495 RELATING TO THE CONSTRUCTION OF TOLL ROADS BY THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT'S AUTHORITY TO ENTER INTO AGREEMENTS WITH VARIOUS ENTITIES TO CONSTRUCT, OPERATE, AND MAINTAIN HIGHWAY FACILITIES, THE PROJECTS THAT MAY BE CONSTRUCTED WITH TOLL REVENUES, THE IMPOSITION AND COLLECTION OF A TOLL ALONG INTERSTATE 73, THE PENALTY FOR FAILURE TO PAY A TOLL, AND THE COLLECTION OF TOLLS.

**H. 3736--DEBATE ADJOURNED**

Rep. RICE moved to adjourn debate upon the following Bill, which was adopted:

H. 3736 -- Reps. Rice, Cato, Hiott, Owens, Wylie, Clemmons, Viers and Bedingfield: A BILL TO AMEND SECTION 41-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

**H. 4479--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill, which was adopted:

H. 4479 -- Reps. Clemmons, M. A. Pitts, D. C. Moss, Crawford and Viers: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO INCLUDE DETENTION OFFICERS AND TELECOMMUNICATIONS PERSONNEL WITHIN THE CATEGORY OF LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE DEDUCTION FOR LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND EMERGENCY MEDICAL SERVICE PERSONNEL.

**H. 4475--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 4475 -- Reps. T. R. Young, Sellers, Bedingfield, Norman, J. R. Smith, Stringer, Wylie, Millwood, Gunn, Scott, D. C. Smith, Stewart, Ballentine, H. B. Brown, Hart, Hearn, Haley, Funderburk, Willis, Clemmons, Harrell and Lucas: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

**S. 191--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7652AHB10), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting clause and inserting:

/ SECTION 1. This act may be cited as the “South Carolina Reduction of Recidivism Act of 2010”.

SECTION 2. It is the intent of the General Assembly of South Carolina to provide law enforcement officers with the statutory authority to reduce recidivism rates of probationers and parolees, apprehend criminals, and protect potential victims from criminal enterprises.

SECTION 3. Section 63‑19‑1820(A)(1) of the 1976 Code is amended to read:

 “(A)(1) The Board of Juvenile Parole shall meet monthly and at other times as may be necessary to review the records and progress of juveniles committed to the custody of the Department of Juvenile Justice for the purpose of deciding the release or revocation of release of these juveniles. The board shall make periodic inspections, at least quarterly, of the records of these juveniles and may issue temporary and final discharges or release these juveniles conditionally and prescribe conditions for release into aftercare. Before a juvenile is conditionally released, the juvenile must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, and any of the juvenile’s possessions by:

 (a) the juvenile’s aftercare counselor;

 (b) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (c) any other law enforcement officer.

 A juvenile may not be conditionally released by the parole board if he fails to comply with this provision. However, a juvenile who was adjudicated delinquent of a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, or any of the juvenile’s possessions.

 Immediately before each search or seizure conducted pursuant to this item, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole or probation or that the individual is currently subject to the provisions of his conditional release. A law enforcement officer conducting a search or seizure without a warrant pursuant to this item shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this item, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 4. Section 63‑19‑1850(A) of the 1976 Code is amended to read:

 “(A) A juvenile who shall have been conditionally released from a correctional facility shall remain under the authority of the releasing entity until the expiration of the specified term imposed in the juvenile’s conditional aftercare release. The specified period of conditional release may expire before but not after the twenty‑first birthday of the juvenile. Each juvenile conditionally released is subject to the conditions and restrictions of the release and may at any time on the order of the releasing entity be returned to the custody of a correctional institution for violation of aftercare rules or conditions of release. The conditions of release must include the requirement that the juvenile parolee must permit the search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, and any of the juvenile parolee’s possessions by:

 (1) his aftercare counselor;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a juvenile parolee who was adjudicated delinquent of a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this subsection, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole or probation or that the individual is currently subject to the provisions of his conditional release. A law enforcement officer conducting a search or seizure without a warrant pursuant to this subsection shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this subsection, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 5. Section 24‑19‑110 of the 1976 Code is amended to read:

 “Section 24‑19‑110. The division may at any time after reasonable notice to the director release conditionally under supervision a committed youthful offender. Before a youthful offender may be conditionally released, the youthful offender must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer. A youthful offender must not be conditionally released by the division if he fails to comply with this provision.

 However, a youthful offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. When, in the judgment of the director, a committed youthful offender should be released conditionally under supervision, he shall so report and recommend to the division. The conditions of release must include the requirement that the youthful offender must permit the search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a youthful offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the youthful offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole or probation or that the individual is currently subject to the provisions of his conditional release. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 The division may regularly assess a reasonable fee to be paid by the youthful offender who is on conditional release to offset the cost of his supervision.

 The division may discharge a committed youthful offender unconditionally at the expiration of one year from the date of conditional release.”

SECTION 6. Section 24‑13‑710 of the 1976 Code is amended to read:

 “Section 24‑13‑710. The Department of Corrections and the Department of Probation, Parole~~,~~ and Pardon Services shall jointly develop the policies, procedures, guidelines, and cooperative agreement for the implementation of a supervised furlough program which permits carefully screened and selected inmates who have served the mandatory minimum sentence as required by law or have not committed a violent crime as defined in Section 16‑1‑60, a ‘no parole offense’ as defined in Section 24‑13‑100, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of committing or attempting a lewd act upon a child under the age of fourteen as defined in Section 16‑15‑140 to be released on furlough prior to parole eligibility and under the supervision of state probation and parole agents with the privilege of residing in an approved residence and continuing treatment, training, or employment in the community until parole eligibility or expiration of sentence, whichever is earlier.

 Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 An inmate must not be granted supervised furlough if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 The department and the Department of Probation, Parole~~,~~ and Pardon Services shall assess a fee sufficient to cover the cost of the participant’s supervision and any other financial obligations incurred because of his participation in the supervised furlough program as provided by this article. The two departments shall jointly develop and approve written guidelines for the program to include, but not be limited to, the selection criteria and process, requirements for supervision, conditions for participation, and removal.

 The conditions for participation must include the requirement that the offender must permit the search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, and any of the offender’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions for participation for an offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 The cooperative agreement between the two departments shall specify the responsibilities and authority for implementing and operating the program. Inmates approved and placed on the program must be under the supervision of agents of the Department of Probation, Parole~~,~~ and Pardon Services who are responsible for ensuring the inmate’s compliance with the rules, regulations, and conditions of the program as well as monitoring the inmate’s employment and participation in any of the prescribed and authorized community‑based correctional programs such as vocational rehabilitation, technical education, and alcohol/drug treatment. Eligibility criteria for the program include, but are not limited to, all of the following requirements:

 (1) maintain a clear disciplinary record for at least six months prior to consideration for placement on the program;

 (2) demonstrate to Department of Corrections’ officials a general desire to become a law‑abiding member of society;

 (3) satisfy any other reasonable requirements imposed upon him by the Department of Corrections;

 (4) have an identifiable need for and willingness to participate in authorized community‑based programs and rehabilitative services;

 (5) have been committed to the State Department of Corrections with a total sentence of five years or less as the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more. The Department of Corrections shall notify victims pursuant to Article 15, Chapter 3, Title 16 as well as the sheriff’s office of the place to be released before releasing inmates through any supervised furlough program. These requirements do not apply to the crimes referred to in this section.”

SECTION 7. Section 24‑13‑720 of the 1976 Code is amended to read:

 “Section 24‑13‑720. Unless sentenced to life imprisonment, an inmate under the jurisdiction or control of the Department of Corrections who has not been convicted of a violent crime under the provisions of Section 16‑1‑60 or a ‘no parole offense’ as defined in Section 24‑13‑100 may, within six months of the expiration of his sentence, be placed with the program provided for in Section 24‑13‑710 and is subject to every rule, regulation, and condition of the program. Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 The conditions for participation must include the requirement that the inmate must permit the search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions for participation for an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 No inmate otherwise eligible under the provisions of this section for placement with the program may be so placed unless he has qualified under the selection criteria and process authorized by the provisions of Section 24‑13‑710. He must also have maintained a clear disciplinary record for at least six months prior to eligibility for placement with the program.”

SECTION 8. Section 24‑13‑1330(D) and (E) of the 1976 Code are amended to read:

 “(D) An applicant may not participate in a program unless he agrees to be bound by all of its terms and conditions and indicates this agreement by signing the following:

 ‘I accept the foregoing program and agree to be bound by its terms and conditions. I understand that my participation in the program is a privilege that may be revoked at the sole discretion of the director. I understand that I shall complete the entire program successfully to obtain a certificate of earned eligibility upon the completion of the program, and if I do not complete the program successfully, for any reason, I will be transferred to a nonshock incarceration correctional facility to continue service of my sentence.’

 Before an inmate may be released on parole, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, a shock incarceration inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 (E) An inmate who has completed a shock incarceration program successfully is eligible to receive a certificate of earned eligibility and must be granted parole release if the inmate has executed the agreements described in subsection (D) of this section. The conditions of parole must include the requirement that the parolee must permit the search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, and any of the parolee’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions of parole of a parolee who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 9. Section 24‑21‑410 of the 1976 Code is amended to read:

 “Section 24‑21‑410. After conviction or plea for any offense, except a crime punishable by death or life imprisonment, the judge of a court of record with criminal jurisdiction at the time of sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation. Probation is a form of clemency. Before a defendant may be placed on probation, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of the defendant’s person, any vehicle the defendant owns or is driving, and any of the defendant’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, a defendant who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 10. The first unnumbered paragraph of Section 24‑21‑430 of the 1976 Code is amended to read:

 “Section 24‑21‑430. The court may impose by order duly entered and may at any time modify the conditions of probation and may include among them any of the following or any other condition not prohibited in this section; however, the conditions imposed must include the requirement that the probationer must permit the search or seizure, without a search warrant, based on reasonable suspicions of the probationer’s person, any vehicle the probationer owns or is driving, and any of the probationer’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer, but the conditions imposed upon a probationer who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on probation. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 To effectively supervise probationers, the director shall develop policies and procedures for imposing conditions of supervision on probationers. These conditions may enhance but must not diminish court imposed conditions.”

SECTION 11. Section 24‑21‑560(B) of the 1976 Code is amended to read:

 “(B) A community supervision program operated by the Department of Probation, Parole~~,~~ and Pardon Services must last no more than two continuous years. The period of time a prisoner is required to participate in a community supervision program and the individual terms and conditions of a prisoner’s participation shall be at the discretion of the department based upon guidelines developed by the director; however, the conditions of participation must include the requirement that the offender must permit the search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, and any of the offender’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer, but the conditions for participation for an offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this subsection, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently in a community supervision program. A law enforcement officer conducting a search or seizure without a warrant pursuant to this subsection shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this subsection, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 A prisoner participating in a community supervision program must be supervised by a probation agent of the department. The department must determine when a prisoner completes a community supervision program, violates a term of community supervision, fails to participate in a program satisfactorily, or whether a prisoner should appear before the court for revocation of the community supervision program.”

SECTION 12. Section 24‑21‑640 of the 1976 Code is amended to read:

 “Section 24‑21‑640. The board must carefully consider the record of the prisoner before, during, and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board: that the prisoner has shown a disposition to reform; that, in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and, that suitable employment has been secured for him.

 Before an inmate may be released on parole, he must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 The board must establish written, specific criteria for the granting of parole and provisional parole. This criteria must reflect all of the aspects of this section and include a review of a prisoner’s disciplinary and other records. The criteria must be made available to all prisoners at the time of their incarceration and the general public. The paroled prisoner must, as often as may be required, render a written report to the board giving that information as may be required by the board which must be confirmed by the person in whose employment the prisoner may be at the time. The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in Section 16‑1‑60. Provided that where more than one included offense shall be committed within a one‑day period or pursuant to one continuous course of conduct, such multiple offenses must be treated for purposes of this section as one offense.

 Any part or all of a prisoner’s in‑prison disciplinary records and, with the prisoner’s consent, records involving all awards, honors, earned work credits and educational credits, are subject to the Freedom of Information Act as contained in Chapter 4 of Title 30.”

SECTION 13. Section 24‑21‑645 of the 1976 Code is amended to read:

 “Section 24‑21‑645. The board may issue an order authorizing the parole which must be signed either by a majority of its members or by all three members meeting as a parole panel on the case ninety days prior to the effective date of the parole; however, at least two‑thirds of the members of the board must authorize and sign orders authorizing parole for persons convicted of a violent crime as defined in Section 16‑1‑60. A provisional parole order shall include the terms and conditions, if any, to be met by the prisoner during the provisional period and terms and conditions, if any, to be met upon parole.

 The conditions of parole must include the requirement that the parolee must permit the search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, and any of the parolee’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions of parole for a parolee who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 Upon satisfactory completion of the provisional period, the director or one lawfully acting for him must issue an order which, if accepted by the prisoner, shall provide for his release from custody. However, upon a negative determination of parole, prisoners in confinement for a violent crime as defined in Section 16‑1‑60 must have their cases reviewed every two years for the purpose of a determination of parole, except that prisoners who are eligible for parole pursuant to Section 16‑25‑90, and who are subsequently denied parole must have their cases reviewed every twelve months for the purpose of a determination of parole. This section applies retroactively to a prisoner who has had a parole hearing pursuant to Section 16‑25‑90 prior to the effective date of this act.”

SECTION 14. The repeal or amendment by the provisions of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 15. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 16. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

Rep. RUTHERFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 104; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Huggins | Hutto |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Wylie |
| A. D. Young | T. R. Young |  |

**Total--104**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy |  |  |

**Total--1**

So, the amendment was adopted.

Rep. KELLY proposed the following Amendment No. 2 (COUNCIL\MS\7657AHB10), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 7, 8, 9, and 12 in their entirety and inserting:

/ SECTION 7. Section 24‑13‑720 of the 1976 Code is amended to read:

 “Section 24‑13‑720. Unless sentenced to life imprisonment, an inmate under the jurisdiction or control of the Department of Corrections who has not been convicted of a violent crime under the provisions of Section 16‑1‑60 or a ‘no parole offense’ as defined in Section 24‑13‑100 may, within six months of the expiration of his sentence, be placed with the program provided for in Section 24‑13‑710 and is subject to every rule, regulation, and condition of the program. Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 An inmate may not be released on supervised furlough by the department if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 The conditions for participation must include the requirement that the inmate must permit the search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions for participation for an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 No inmate otherwise eligible under the provisions of this section for placement with the program may be so placed unless he has qualified under the selection criteria and process authorized by the provisions of Section 24‑13‑710. He must also have maintained a clear disciplinary record for at least six months prior to eligibility for placement with the program.”

SECTION 8. Section 24‑13‑1330(D) and (E) of the 1976 Code are amended to read:

 “(D) An applicant may not participate in a program unless he agrees to be bound by all of its terms and conditions and indicates this agreement by signing the following:

 ‘I accept the foregoing program and agree to be bound by its terms and conditions. I understand that my participation in the program is a privilege that may be revoked at the sole discretion of the director. I understand that I shall complete the entire program successfully to obtain a certificate of earned eligibility upon the completion of the program, and if I do not complete the program successfully, for any reason, I will be transferred to a nonshock incarceration correctional facility to continue service of my sentence.’

 Before an inmate may be released on parole, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 A shock incarceration inmate may not be granted parole release by the department if he fails to comply with this provision. However, a shock incarceration inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 (E) An inmate who has completed a shock incarceration program successfully is eligible to receive a certificate of earned eligibility and must be granted parole release if the inmate has executed the agreements described in subsection (D) of this section. The conditions of parole must include the requirement that the parolee must permit the search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, and any of the parolee’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 However, the conditions of parole of a parolee who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 9. Section 24‑21‑410 of the 1976 Code is amended to read:

 “Section 24‑21‑410. After conviction or plea for any offense, except a crime punishable by death or life imprisonment, the judge of a court of record with criminal jurisdiction at the time of sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation. Probation is a form of clemency. Before a defendant may be placed on probation, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of the defendant’s person, any vehicle the defendant owns or is driving, and any of the defendant’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 A defendant may not be placed on probation by the court if he fails to comply with this provision and instead must be required to serve the suspended portion of the defendant’s sentence. However, a defendant who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.”

SECTION 12. Section 24‑21‑640 of the 1976 Code is amended to read:

 “Section 24‑21‑640. The board must carefully consider the record of the prisoner before, during, and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board: that the prisoner has shown a disposition to reform; that, in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and, that suitable employment has been secured for him.

 Before an inmate may be released on parole, he must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer.

 An inmate may not be granted parole release by the board if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

 Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure conducted pursuant to this section, then the law enforcement agency that employs him must suspend the officer without pay for one day.

 The board must establish written, specific criteria for the granting of parole and provisional parole. This criteria must reflect all of the aspects of this section and include a review of a prisoner’s disciplinary and other records. The criteria must be made available to all prisoners at the time of their incarceration and the general public. The paroled prisoner must, as often as may be required, render a written report to the board giving that information as may be required by the board which must be confirmed by the person in whose employment the prisoner may be at the time. The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in Section 16‑1‑60. Provided that where more than one included offense shall be committed within a one‑day period or pursuant to one continuous course of conduct, such multiple offenses must be treated for purposes of this section as one offense.

 Any part or all of a prisoner’s in‑prison disciplinary records and, with the prisoner’s consent, records involving all awards, honors, earned work credits and educational credits, are subject to the Freedom of Information Act as contained in Chapter 4 of Title 30.” /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

Rep. KING proposed the following Amendment No. 3 (COUNCIL\MS\7663AHB10), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Article 8

Friendship Nine Act

 Section 24‑21‑810. This SECTION may be known as the ‘Friendship Nine Act’.

 Section 24‑21‑820. (A) A person, who, prior to January 1, 1980, while protesting or challenging within the state, a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, was convicted solely for the conduct related to the protest or challenge, upon written application to the Board of Probation, Parole and Pardon Services, must be granted a pardon of the conviction upon written application to the board. The board shall provide notice of the application to the solicitor where the violation occurred within thirty days after its submission to the board. The pardon must be granted within ninety days after submission of the application unless it is objected to by the solicitor on the grounds permitted in Section 24‑21‑830.

 (B) The board shall develop and distribute the application form to be used by an applicant.

 Section 24‑21‑830. (A) A solicitor may object to an application for a pardon under this article only on the grounds that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals.

 (B) If the solicitor objects to the granting of a pardon under this article and provides documentation supporting a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must:

 (1) notify the applicant in writing of the solicitor’s objection and provide the applicant with a copy of all documents submitted by the solicitor within ten days of receiving the objection; and

 (2) provide the applicant with an opportunity to submit a written rebuttal to the objection of the solicitor within thirty days of receiving a copy of the solicitor’s objection and supporting documentation.

 (C) The board must review the documentation submitted by the solicitor and any rebuttal matters submitted by the applicant, and render a determination within sixty days of receiving the solicitor’s objection.

 (D) If the board determines that there is substantial evidence to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must forward its findings and recommendations to the Governor for a final determination on whether to grant the application. If the board determines that substantial evidence does not exist to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, then the application for a pardon must be granted.

 Section 24‑21‑840. If the convicted person is deceased, the application may be filed by a person who has legal authority to act on behalf of the deceased person.

 Section 24‑21‑850. (A) Upon petition by the person obtaining a pardon, the record of the person pertaining solely to the conviction for which a pardon is granted under this article must be transferred by a court of competent jurisdiction to the South Carolina Department of Archives and History for confidential keeping. The record of the conviction maintained by the South Carolina Department of Archives and History shall be the only record of the conviction.

 (B) If the person is deceased, the petition may be filed by a person who has legal authority to act on behalf of the deceased person.

 Section 24‑21‑860. A person who receives a pardon pursuant to the provision of this article shall have his pardon application fee refunded to him within thirty days of the date the pardon is granted.” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

**POINT OF ORDER**

Rep. COLE raised the Point of Order that the amendment was out of order under Rule 9.3 in that it was not germane to the bill.

SPEAKER HARRELL stated that the amendment dealt with the granting of pardons relating to civil rights protests. He stated that the bill dealt with the circumstances concerning law enforcement searches of persons who had been pardoned or were on parole. Therefore, he sustained the Point of Order.

STATEMENT FOR THE JOURNAL

 I did not vote for some of the amendments offered to Senate Bill 191, as I was addressing the students involved with the FFA organization on the front steps of the State House. I hate that I missed some of the debate on this issue, as I am interested in it. I will ensure that I become educated on any amendments that my colleagues have attached to this Bill.

 Rep. Jeff Duncan

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. HARRELL proposed the following Amendment No. 10 (COUNCIL\MS\7678AHB10):

Amend the bill, as and if amended, SECTION 3, Section 63‑19‑1820(A)(1), by deleting the last sentence in the SECTION, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this item, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 4, Section 63‑19‑1850(A), by deleting the last sentence in the SECTION, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 5, Section 24‑19‑110, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 6, Section 24‑13‑710, seventh undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 7, Section 24-13-720, fifth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 8, Section 24-13-1330(D), fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 8, Section 24‑13‑1330(E), third undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 9, Section 24‑21‑410, third undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 10, Section 24‑21‑430, second undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 11, Section 24‑21‑560(B), second undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 12, Section 24‑21‑640, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 13, Section 24‑21‑645, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Renumber sections to conform.

Amend title to conform.

Rep. HARRELL explained the amendment.

**SPEAKER IN CHAIR**

Rep. RUTHERFORD spoke against the amendment.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President *Pro Tempore* of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Reading Clerk of the House read the following Concurrent Resolution:

H. 4370 -- Rep. Harrison: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 24, 2010.

Chief Justice Toal and her distinguished party were escorted to the rostrum by Senators Williams, Campbell, Elliott, Scott and L. Martin and Representatives COLE, WEEKS, HEARN, SCOTT and FUNDERBURK.

Address of the Honorable Jean Hoefer Toal

Chief Justice of South Carolina

“Mr. President, Mr. Speaker, Mr. Speaker Pro Tempore, Members of the Joint Assembly:

Oliver Wendell Holmes, Jr., authored a 1921 U.S. Supreme Court opinion interpreting a section of the then very newly adopted Internal Revenue Code. He famously wrote: ‘Upon this point, a page of history is worth a volume of logic.’ Things have not changed very much since trying to construe the Internal Revenue Code in 1921.

As I present this address, I will be looking back in our history to give some context to the current situation in which your judiciary finds itself. But I guess that’s as it should be. An appellate judge spends much of her time examining the past in order to find an answer to the controversy presented by a case. That past may be in history books, court decisions, the legislation you enact, constitutional provisions or executive decisions.

As a prelude to today’s address on the state of your judiciary, a page of history is in order. Today is the 25th anniversary of your annual invitation to the Chief Justice of South Carolina to deliver the State of the Judiciary Address to the Joint Assembly. This milestone is an enduring symbol of the harmony between the legislative branch and the judicial branch, and it was not always so. 1985 is the mark of the year which resolved a long-standing and very bitter dispute between the branches that began as I began my service in the House in 1975. The spirit of respect for each branch’s constitutional authority and responsibility has, I think, remained the hallmark of your relationship with the judicial branch and the judicial branch’s relationship with the legislature.

No one will ever come to service on the South Carolina Supreme Court who has the depth and quality of appellant experience that Justice Hearn brings to our court. Her career as a lawyer began as a law clerk to a Justice on our court, Julius B. Ness. After a distinguished career as a lawyer and as a family court judge, her four years as a member of the Court of Appeals and over 10 years as its Chief, makes her a highly skilled member of our court.

We rejoice in your selection of John Few as the new Chief Judge of the Court of Appeals. A 10 year veteran of circuit court service, he is energetic and he has already begun work in his new role.

Before we get to finances, I want to look again at a page of history to set the context at where we stand. 35 years ago, I sat in your seats as a freshman legislator. Senators John Land and John Matthews, Rep. DAN COOPER’s father--Rep. Dolly Cooper--and Rep. CATHY HARVIN’s late husband--Alex Harvin--and I were in a group of 52 new members who came to service the first year of single-member districts in the House. Mr. SPEAKER, we could have elected a freshman speaker, if we would have been bold enough. Our first term as freshmen legislators ended in 1976, with the beginning of a national financial crisis that was every bit as tough as the financial crisis we are facing today. Stagflation, a combination of a stagnant economy and rampant inflation, and the beginning of a severe Mid-East conflict centered in Iran brought gas shortages, 17 percent interest rates and unemployment in South Carolina, which in some counties topped out at 27 percent.

So how did South Carolina and America come out of this profound economic crisis of the 1970s? In South Carolina, the governmental structure began to change with judicial modernization. We developed a uniform system based on a business model, which brings social order and stability. We also modernized the Office of the Governor by amending the Constitution to allow a governor to serve two terms. Dick Riley spearheaded these two efforts and they set the stage for a new approach in South Carolina to economic development under Gov. Carroll Campbell that resulted in such business relocations and success stories as BMW, Michelin, Pirelli and many other national relocations.

On the legislative side, we re-engineered the way we do business as a new generation of House and Senate leadership developed a sophisticated staff of highly trained research personnel for all committees. The General Assembly began to be equipped to make independent decisions about the direction of this State. On the national scene, economic prosperity that began in the Reagan years sustained a period of unprecedented national and global business growth through several successive generations of presidents and state and local leaders.

Today, we face another enormous state and national challenge. The stability of your court system is the bed rock of social order and stability in this State. We will not continue to attract new investment in our State, which is the key to moving out of the economic crisis in which we lag at this time, if our court system unravels. And our court system is beginning to unravel. This is a snap shot of the funding sources and expenditures in recent years for your court system.

As I began my tenure as your Chief Justice 10 years ago, it took about $46.5 million to run the state court system and almost all of it was raised by regular general appropriations funds. No federal funds and very little in the way of state fees. Nine years later I approached this fiscal year with general appropriations money of only $28 million and state fines and fees of $18 million and $6.5 million of federal funds. All of the federal funds I have acquired over the last 10 years have been used to re-engineer automation of the court systems to place new automation and new high speed connectivity in every county of South Carolina. No state funds there. As I approached this past year, we had already sustained $6 million in a shortfall the year before and I made it up by cuts to travel, by other cuts within the department and by some use of carryover funds. This year the across the board cuts left me $7.5 million in a deficit and right at the last of the session last year, you replaced $4 million of recurring money with stimulus money, ARRA money, one time money that won’t be repeated this year. Your court system is $11.5 million down at this time and about to run out of the little bit of carryover money that I carefully hoarded year after year to expend on nonrecurring projects, which includes repairs to the two buildings that I rent from the State. But the State does not have the ability to repair on this very campus the Supreme Court Building and the Court of Appeals Building. We can’t continue to operate like this.

You can see that the operation is almost entirely salaries and benefits. The operation is only $12 million and $6 million of that is the federal funds, that have been gotten every year to automate the court system and to automate the counties. I can’t operate your court system on the $46 million that was appropriated 10 years ago and what will that mean if that can’t happen? Courts will have to close in counties, terms of court will have to be eliminated, and other very, very severe steps will have to be taken.

What have we already done? We’ve done a lot. We’ve reduced judges’ travel. We have eliminated it for law clerks. We’ve restricted travel for court reporters and the rest of the things you see listed in the slide, including hiring freezes, cutting reimbursements to judges for monthly judges’ allowances. We now have a freeze on, such that you as a judge lose your secretary, we make you double up with someone else, except in counties where there is only one of you. We are doing everything we can with the resources we have right now, but I can’t run the system for you without some major negative decisions. So what will those next steps be?

Of course, I like you, am inundated with calls from law clerks. They are my newest hires and, therefore, would have to be the ones upon whom the initial reductions in force would fall. I sent out a letter last fall so people would have plenty of time to plan, letting the law clerks know that I might not be able to keep them on past March. It’s in the balance right now and the finance director of the branch and I look at these figures many times each week to see how long I can keep going.

The Court of Appeals staff has already been asked to reduce their staff from 3 to 2 staff persons. They can eliminate their secretary/administrative assistant, they can eliminate a law clerk, but I have got to have some cut in personnel.

Reduction of court reporters is now being considered. I would be forced to keep everything open to run a deficit, and I cannot live with myself doing that. I am in a scrum of other entities and state government who are budgeted in the same subcommittees of the House and Senate that I am budgeted in and when they run a deficit, it has to come from someplace else in the subcommittee and that’s how I got the $4 million in ARRA money last year. It penalizes anybody who runs an entity of state government on a business model. You cannot penalize a whole branch of state government, and particularly one that is as fundamental to the rule of law and public order. Public order is at stake here.

Gang activity is up all around this State. When you look at some of the communities that are cursed with the increase in murders, violent crime and gang activity, you know very well that if they are not brought to justice, that kind of activity escalates. We can’t afford to turn into the kinds of countries we see around the world where social order has been torn, because the ability to exist as a people is destroyed by that. Any ability we have to say in this small state that we’ve got something that is so attractive that you should come here and do business is destroyed if basic social order cannot be maintained. I have not talked in this dire a tone the entire time I have addressed you for the 10 years I have been your Chief.

I am a ‘can do’ person about moving forward, but I don’t whine. I am desperately afraid that if we don’t change the way we are funding the judicial system, we are going to have a major breakdown in our ability to deliver court services. There is a plus side to delivering court services.

In the slide I show you of the United States, South Carolina is in the red. We have been cut more than any other state court in the country by National Center for State Court standards.

Our case loads continue to be the highest per judge of any state in the country, which means we have less trial judges per 100,000 population than anybody else in the country. We are running a very lean ship in your judicial department. There isn’t any fat there. For years I have asked for more judges.

We haven’t created a new trial judgeship in 13 years. I have tried to re-engineer the way we do business to make up for that, but if you cut travel and everything else, you just don’t have the ability to place the judges, and frankly, I don’t have the ability to pay them. Judicial elections are now in a free situation and I think very rightly so until the judicial matters affecting selection are disposed. When they are disposed and judicial elections get back on the table, will I have to come to the Judicial Merit Selection Committee and say, ‘Don’t elect any more judges because I can’t pay them?’ That’s how dire this situation is.

Our trial court case load continues to move up, and particularly on the civil side, it is exploding now because of foreclosures and other things associated with a bad economy. I am trying to move heaven and earth to rejigger the way we try those cases and move them through the system. I passed an administrative order from the Chief this summer that gave debtors some relief until banks were able to counsel with them about their rights under the new ARRA legislation. That has given some relief, but we have got to move these matters through the system; otherwise, business and economics grind to a halt in this State.

The plus side of the picture is we are doing a lot of very good things. Need creates inventiveness and that’s a good thing. Justice Pleicones has taken on the re-engineering of the General Sessions system and it continues on with a good deal of pressure being put on the solicitors to adopt a more business-like approach to the way they call cases. We are still the only State in the country where the prosecutor controls the docket. I have said to the solicitors that I don’t want to interfere with that, but I insist you adopt an organized business-like standardized way of moving cases forward and not just put on the back burner--the cases that are old and the cases where you don’t have the witnesses to prosecute. You have got to make some tough decisions about your docket if you’re going to control it. We are providing help in that regard and that is what Justice Pleicones is managing.

We have also taken a creative approach to condemnation cases with special beginning-to-end management. We have taken sophisticated construction cases and given them beginning-to-end management and we are disposing a lot of them now. There might be 20 lawyers in a case and if you keep the pressure on them, they’ll generally settle these cases eventually. You’ve got to keep the cases moving with regular attention by a judge that would fall to the bottom if we can’t reelect the judges and place them out in the courthouses. We are using ADR; we’re using fast track jury trials, and business courts has been a wonderful success, and that has been a key impact on talking to businesses who are thinking about locating in South Carolina.

We are not competitive with Georgia, North Carolina and surrounding states in being able to say that you can process your business through the court system if you have business-to-business disputes. We now have a business court set up that gives some relief there and there are a lot more things that we could do if we can get back to any kind of a normal funding situation. What can we do about it? Many of you know that the raising of fees for filing cases is being discussed. I know there is some concern about access to justice issues and about where the lines ought to be drawn. It is fair to have those who use the system pay for it. If you went from $150 to file a civil lawsuit to $300, it would be a cheap price to pay for access to a court system that can resolve a dispute. Smaller disputes don’t cost that.

You are now giving your magistrates court $7,500 in jurisdiction. That could go up and, of course, the expense it costs to try a case in magistrates court is less. We also have the ability to deal with indigent plaintiffs and their access. We have got to do something to keep our courthouses open. Other positive things that are taking place in the system by way of new initiatives, include a task force on criminal procedure. Howard King headed up that effort for a year. We have had public hearings on criminal procedure innovations and we hope to be able to submit to the General Assembly next year, the process of vetting these new changes. They are aimed at trying to streamline the criminal docket and set a level playing field of exchange of information between the defense and prosecution. We also made amendments in the rule that requires lawyers to accept no pay appointments--that’s Rule 608--I believe we have come up with a more equitable system.

Many would like us to stop appointing lawyers if they cannot be paid on indigent criminal cases and family court cases. I would love to stop that, too, but the U.S. Supreme Court decisions in this area require representation and that’s the only place we have to go.

Your increased funding in the Office of Indigent Defense and your reorganization of that office has been a major step forward in the creation of circuit public defenders. We are making a lot of progress even with some tough situations funding-wise to push along the General Sessions docket. Technology has been the signature of my administration as you know and 10 years after we got started, we are looked at across this country as a leader in using an internet-based platform to do the business of the court. That was a wild, way-out idea 10 years ago and I came to it because we didn’t have the money to buy the big mainframe computers it would take to automate the whole state court system. We decided to use an internet-based system. I got a series of federal congressionally mandated awards and other grants to set this system up.

When you have got California and Massachusetts coming to South Carolina to look at a model system, and see how a rural State can use broadband and high speed connectivity to manage its business, we’ve arrived. We have got a lot to be proud of. The people who have made it work are the people in the smallest places in South Carolina--in magistrates’ offices and clerks’ offices because that’s where the automation starts. It doesn’t start in the big shot offices in Columbia. It starts in the most rural areas of the State.

Our decision was that we were not going to pick the low hanging fruit and leave the people out in the country to fend for themselves. The biggest grants we’ve made without asking for any payback have been in the small counties that just can’t afford the wiring, the computers and whatever it takes to get them up and moving. It is a wonderful success story that shows what you can do. We now own that system. We charge modest maintenance fees. My next step is going to be to try to get some grants to go to electronic filing. The lawyers want it very badly and the general public does, too. I don’t have the money now to create that system, but I am putting in for some grants to see if I can start it and if I do, South Carolina will own it. We’ll use every bit of the proceeds that come from electronic filings to try to see if we can reduce what counties have to pay to zero for the maintenance of our statewide case management system.

Sustainability is a part of what we are doing and, again, business looks at this system we have engineered as the most successful automation of a governmental system that has ever been in this State and in many other states. So again, we have a lot to be proud for. The gold on the map indicates the counties that are now automated. We are in progress in the green and the blue are the next counties we are going to. That will leave a few small counties and, frankly, this probably needs some updating because we have already been in Saluda, Union and several other counties to talk about how we’ll get started. I hope to be able to show you a gold map next year.

The solicitors have been almost totally automated. Their system interfaces with the court system. Again, they did not have to pay a nickel for it. I got grants. They helped me develop the system and they now have all the tools they need from a technological standpoint, to move their cases along.

Sentencing is a South Carolina crisis and one of the finest things this body has done was to create last year a Sentencing Reform Commission. The Pugh Charitable Trust thought so much of what South Carolina was willing to do, that they invested major grant money in making this system a success. When you look down at the members of your bodies that have worked on this thing, Gerald Malloy, Jake Knotts, Chip Campsen, MURRELL SMITH, DOUG JENNINGS, and KEITH KELLY, they deserve major, major credit for staying with it. They’ve got a report. It’s not the most dramatic thing that can be done, but it is a wonderful start toward looking at a saner way of dealing with sentencing in South Carolina, so that we use our precious dollars to keep in jail the people that are violent and need to be kept in jail and put into some kind of alternative programs the people whose lives we really could change and get back into productive citizenship.

I am very proud of Aphrodite Konduros, Billy Keesley and Don Beatty on my court. Don has taken the court’s leadership position on this particular activity and I think much good will come of it.

The slide that deals with the details of sentencing, I won’t go over it in detail, but it will be on my website. It paints a picture of what kind of costs we are into now for housing the inmate population we house. You don’t even have to do anything more than to look at what happens every year with the deficit spending they have to do in their budget just to keep the burgeoning population in the penitentiaries to know that we’ve got to do something different.

We have a deep interest in outreach programs that reach school children and teachers and assist them in educating them about the constitution and government. They call it social studies now and I think they are kind of a victim of the name that is given to them. I don’t know what social studies is, it sounds vaguely like something that I don’t want to be a part of. In my old-fashioned days it was government, history, civics and economics. It is foundational to anyone who is going to be a productive, decent and law abiding citizen in South Carolina that they know something about government.

I have partnered with Sandra Conners’ court project. In retirement she is as busy as anybody you could ever imagine. She decided to reach out and develop an on-line, web-based program for middle schoolers and high schoolers that would teach them about government. Kids spend over 44 hours a week in front of their computers on an average. Some spend a lot more time than that and they love playing on-line games. So, she went to Steven Spielberg and got him to develop for her on-line games that teach them how the court operates and they are wonderful. I decided to get involved for South Carolina and now we have got a group of teachers together. We are going to initiate this in our schools. We’ve got lesson plans that teachers can use and we are going to develop a program of scholarships for teachers to get educational credit toward their Masters or Ph.D. for learning how to use web-based programs in the classroom. It is a wonderful outreach program that we are really excited about.

Just as Kittredge heads up the commission on the profession, the slide will give you all the things that they are about. I will simply say that this is a commission about so much good to help to increase professionalism and increase the quality of the way lawyers operate and the way judges operate in South Carolina. And, also, whether its mentoring programs for the youngest lawyers or judicial internship programs or looking at lawyer education or looking at lawyer conduct and discipline and judicial conduct rules, this commission has deeply looked at some of the most enduring problems about assuring the quality of South Carolina’s legal profession. We all owe Justice Kittredge and his commission our support and our deep gratitude for what they are doing for the good of the order.

In my view tomorrow we will look back on today as a time when we changed the world or the world changed us. I believe with all my heart that with every crisis, there comes opportunity. Those little pages of history I gave you as I move through this address, I think demonstrate that South Carolina and South Carolinians are ‘can do’ and we can move through this time as I moved through it when I sat in your seats.

Government will be the better for it and we as South Carolinians will be the better for it. The best way out of where we are now is to be sure that there is a new generation that will take the lead.

You know I always finish with my grandson. There is Patrick in Washington, D.C., at Snowmageddon, in his ice fort. I thought Star Wars was the edge of technology 15 years ago. Patrick made a R2D2 costume for Halloween and there he is as a droid. He is also making biscuits with his Pop. That is the future we’re working for in South Carolina. That’s the future I’m dedicated to and you’re dedicated to. I thank you from the bottom of my heart and on behalf of all who wear the robe in South Carolina for looking deeply and seriously at your court system in helping us move forward in a wise way.

Godspeed.”

Upon conclusion of her address, Chief Justice Toal and her escort party retired from the Chamber.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the President *Pro Tempore* announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:38 p.m. the House resumed, the SPEAKER in the Chair.

**S. 191--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Rep. HARRELL proposed the following Amendment No. 10 (COUNCIL\MS\7678AHB10), which was adopted:

Amend the bill, as and if amended, SECTION 3, Section 63‑19‑1820(A)(1), by deleting the last sentence in the SECTION, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this item, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 4, Section 63‑19‑1850(A), by deleting the last sentence in the SECTION, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 5, Section 24‑19‑110, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 6, Section 24‑13‑710, seventh undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 7, Section 24-13-720, fifth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 8, Section 24-13-1330(D), fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 8, Section 24‑13‑1330(E), third undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 9, Section 24‑21‑410, third undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.”/

Amend the bill further, SECTION 10, Section 24‑21‑430, second undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 11, Section 24‑21‑560(B), second undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 12, Section 24‑21‑640, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Amend the bill further, SECTION 13, Section 24‑21‑645, fourth undesignated paragraph, by deleting the last sentence in the paragraph, and inserting:

/ If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 24

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | G. M. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--83**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Hart | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Mitchell | Parks | Rutherford |
| G. R. Smith | J. E. Smith | Thompson |
| Weeks | Whipper | Williams |

**Total--24**

So, the amendment was adopted.

Rep. HART proposed the following Amendment No. 11 (COUNCIL\MS\7689AHB10), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting the first undesignated paragraph following Section 63‑19‑1820(A)(1)(c), page 191‑2, lines 11 through 18, and inserting:

/ A juvenile may not be conditionally released by the parole board if he fails to comply with this provision. However, unless a juvenile was adjudicated delinquent of a violent crime, as defined in Section 16‑1‑60, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, or any of the juvenile’s possessions. /

Amend the bill further, SECTION 4, by deleting the first undesignated paragraph following Section 63‑19‑1850(A)(3), page 191‑3, lines 18 through 25, and inserting:

/ However, the conditions of release of a juvenile parolee who was not adjudicated delinquent of a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee’s possessions. /

Amend the bill further, SECTION 5, by deleting the first and second undesignated paragraphs following Section 24‑19‑110(3), pages 191‑4 and 191‑5, and inserting:

/ However, unless a youthful offender was convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. When, in the judgment of the director, a committed youthful offender should be released conditionally under supervision, he shall so report and recommend to the division. The conditions of release must include the requirement that the youthful offender must permit the search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a youthful offender who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the youthful offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. /

Amend the bill further, SECTION 6, by deleting the third undesignated paragraph in Section 24‑13‑710, page 191‑6, lines 23 through 30, and inserting:

/ An inmate must not be granted supervised furlough if he fails to comply with this provision. However, unless an inmate was convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, he may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 6, by deleting the sixth undesignated paragraph in Section 24‑13‑710, page 191‑7, lines 6 through 13, and inserting:

/ However, the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 7, by deleting the first undesignated paragraph following Section 24‑13‑720(2), pages 191‑8 and 191‑9, and inserting:

/ However, unless an inmate was convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 7, by deleting the fourth undesignated paragraph under Section 24‑13‑720, page 191‑9, lines 14 through 21, and inserting:

/ However, the conditions for participation for an inmate who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(D)(2), page 191‑10, lines 31 through 38, and inserting:

/ However, a shock incarceration inmate who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(E)(2), page 191‑11, lines 28 through 35, and inserting:

/ However, the conditions of parole of a parolee who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Amend the bill further, SECTION 9, by deleting the second undesignated paragraph under Section 24‑21‑410, page 191‑12, lines 32 through 38, and inserting:

/ However, a defendant who was not convicted of or pled guilty or nolo contendere to a violent crime as defined in Section 16‑1‑60, may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions. /

Amend the bill further, SECTION 10, by deleting Section 24‑21‑430(2), page 191‑13, lines 29 through 37, and inserting:

/ (2) any other law enforcement officer, but the conditions imposed upon a probationer who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions. /

Amend the bill further, SECTION 11, by deleting Section 24‑21‑560(B)(2), pages 191‑14 and 191‑15, and inserting:

/ (2) any other law enforcement officer, but the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 12, by deleting the first undesignated paragraph following Section 24‑21‑640(2), page 191‑16, lines 8 through 14, and inserting:

/ However, an inmate who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 13, by deleting the first undesignated paragraph following Section 24‑21‑645, page 191‑17, lines 33 through 40, and inserting:

/ However, the conditions of parole for a parolee who was not convicted of or pled guilty or nolo contendere to a violent crime, as defined in Section 16‑1‑60, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 76; Nays 25

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Harrell |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--76**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anthony |
| Bales | Brantley | R. L. Brown |
| Dillard | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| Kennedy | King | McEachern |
| Mitchell | Neilson | Parks |
| Rutherford | J. E. Smith | Weeks |
| Williams |  |  |

**Total--25**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 12 (COUNCIL\MS\7692AHB10), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting the first undesignated paragraph following Section 63‑19‑1820(A)(1)(c), page 191‑2, lines 11 through 18, and inserting:

/ A juvenile may not be conditionally released by the parole board if he fails to comply with this provision. However, unless a juvenile was adjudicated delinquent of a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, or any of the juvenile’s possessions. /

Amend the bill further, SECTION 4, by deleting the first undesignated paragraph following Section 63‑19‑1850(A)(3), page 191‑3, lines 18 through 25, and inserting:

/ However, the conditions of release of a juvenile parolee who was not adjudicated delinquent of a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee’s possessions. /

Amend the bill further, SECTION 5, by deleting the first and second undesignated paragraphs following Section 24‑19‑110(3), pages 191‑4 and 191‑5, and inserting:

/ However, unless a youthful offender was convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. When, in the judgment of the director, a committed youthful offender should be released conditionally under supervision, he shall so report and recommend to the division. The conditions of release must include the requirement that the youthful offender must permit the search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a youthful offender who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the youthful offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. /

Amend the bill further, SECTION 6, by deleting the third undesignated paragraph in Section 24‑13‑710, page 191‑6, lines 23 through 30, and inserting:

/ An inmate must not be granted supervised furlough if he fails to comply with this provision. However, unless an inmate was convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, he may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 6, by deleting the sixth undesignated paragraph in Section 24‑13‑710, page 191‑7, lines 6 through 13, and inserting:

/ However, the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 7, by deleting the first undesignated paragraph following Section 24‑13‑720(2), pages 191‑8 and 191‑9, and inserting:

/ However, unless an inmate was convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 7, by deleting the fourth undesignated paragraph under Section 24‑13‑720, page 191‑9, lines 14 through 21, and inserting:

/ However, the conditions for participation for an inmate who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(D)(2), page 191‑10, lines 31 through 38, and inserting:

/ However, a shock incarceration inmate who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(E)(2), page 191‑11, lines 28 through 35, and inserting:

/ However, the conditions of parole of a parolee who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Amend the bill further, SECTION 9, by deleting the second undesignated paragraph under Section 24‑21‑410, page 191‑12, lines 32 through 38, and inserting:

/ However, a defendant who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions. /

Amend the bill further, SECTION 10, by deleting Section 24‑21‑430(2), page 191‑13, lines 29 through 37, and inserting:

/ (2) any other law enforcement officer, but the conditions imposed upon a probationer who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions. /

Amend the bill further, SECTION 11, by deleting Section 24‑21‑560(B)(2), pages 191‑14 and 191‑15, and inserting:

/ (2) any other law enforcement officer, but the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 12, by deleting the first undesignated paragraph following Section 24‑21‑640(2), page 191‑16, lines 8 through 14, and inserting:

/ However, an inmate who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 13, by deleting the first undesignated paragraph following Section 24‑21‑645, page 191‑17, lines 33 through 40, and inserting:

/ However, the conditions of parole for a parolee who was not convicted of or pled guilty or nolo contendere to a Class E Felony or above or an unclassified offense that carries a maximum term of imprisonment of ten years or more, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 77; Nays 23

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Cato |
| Chalk | Clemmons | Cole |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | Sottile | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--77**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Brantley |
| R. L. Brown | Clyburn | Dillard |
| Hart | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Jennings | Kennedy | King |
| Knight | Mitchell | Neilson |
| Parks | Rutherford | J. E. Smith |
| Weeks | Williams |  |

**Total--23**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 13 (COUNCIL\MS\7691AHB10), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting the first undesignated paragraph following Section 63‑19‑1820(A)(1)(c), page 191‑2, lines 11 through 18, and inserting:

/ A juvenile may not be conditionally released by the parole board if he fails to comply with this provision. However, unless a juvenile was adjudicated delinquent of a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, or any of the juvenile’s possessions. /

Amend the bill further, SECTION 4, by deleting the first undesignated paragraph following Section 63‑19‑1850(A)(3), page 191‑3, lines 18 through 25, and inserting:

/ However, the conditions of release of a juvenile parolee who was not adjudicated delinquent of a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee’s possessions. /

Amend the bill further, SECTION 5, by deleting the first and second undesignated paragraphs following Section 24‑19‑110(3), pages 191‑4 and 191‑5, and inserting:

/ However, unless a youthful offender was convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. When, in the judgment of the director, a committed youthful offender should be released conditionally under supervision, he shall so report and recommend to the division. The conditions of release must include the requirement that the youthful offender must permit the search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a youthful offender who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the youthful offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. /

Amend the bill further, SECTION 6, by deleting the third undesignated paragraph in Section 24‑13‑710, page 191‑6, lines 23 through 30, and inserting:

/ An inmate must not be granted supervised furlough if he fails to comply with this provision. However, unless an inmate was convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, he may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 6, by deleting the sixth undesignated paragraph in Section 24‑13‑710, page 191‑7, lines 6 through 13, and inserting:

/ However, the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 7, by deleting the first undesignated paragraph following Section 24‑13‑720(2), pages 191‑8 and 191‑9, and inserting:

/ However, unless an inmate was convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 7, by deleting the fourth undesignated paragraph under Section 24‑13‑720, page 191‑9, lines 14 through 21, and inserting:

/ However, the conditions for participation for an inmate who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(D)(2), page 191‑10, lines 31 through 38, and inserting:

/ However, a shock incarceration inmate who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(E)(2), page 191‑11, lines 28 through 35, and inserting:

/ However, the conditions of parole of a parolee who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Amend the bill further, SECTION 9, by deleting the second undesignated paragraph under Section 24‑21‑410, page 191‑12, lines 32 through 38, and inserting:

/ However, a defendant who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions. /

Amend the bill further, SECTION 10, by deleting Section 24‑21‑430(2), page 191‑13, lines 29 through 37, and inserting:

/ (2) any other law enforcement officer, but the conditions imposed upon a probationer who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions. /

Amend the bill further, SECTION 11, by deleting Section 24‑21‑560(B)(2), pages 191‑14 and 191‑15, and inserting:

/ (2) any other law enforcement officer, but the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 12, by deleting the first undesignated paragraph following Section 24‑21‑640(2), page 191‑16, lines 8 through 14, and inserting:

/ However, an inmate who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 13, by deleting the first undesignated paragraph following Section 24‑21‑645, page 191‑17, lines 33 through 40, and inserting:

/ However, the conditions of parole for a parolee who was not convicted of or pled guilty or nolo contendere to a Class C Felony or above or an unclassified offense that carries a maximum term of imprisonment of twenty years or more, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. GILLIARD spoke against the amendment.

Rep. HOWARD spoke in favor of the amendment.

Rep. KELLY moved to table the amendment.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 22

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Littlejohn | Long | Lucas |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bowers |
| Brantley | R. L. Brown | Clyburn |
| Dillard | Hart | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Knight | Mitchell | Parks |
| Rutherford | Vick | Weeks |
| Williams |  |  |

**Total--22**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 14 (COUNCIL\MS\7690AHB10), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting the first undesignated paragraph following Section 63‑19‑1820(A)(1)(c), page 191‑2, lines 11 through 18, and inserting:

/ A juvenile may not be conditionally released by the parole board if he fails to comply with this provision. However, unless a juvenile was adjudicated delinquent of a crime involving the use of a weapon, as defined in Section 16‑23‑405, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile’s person, any vehicle the juvenile owns or is driving, or any of the juvenile’s possessions. /

Amend the bill further, SECTION 4, by deleting the first undesignated paragraph following Section 63‑19‑1850(A)(3), page 191‑3, lines 18 through 25, and inserting:

/ However, the conditions of release of a juvenile parolee who was not adjudicated delinquent of a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the juvenile parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile parolee’s person, any vehicle the juvenile parolee owns or is driving, or any of the juvenile parolee’s possessions. /

Amend the bill further, SECTION 5, by deleting the first and second undesignated paragraphs following Section 24‑19‑110(3), pages 191‑4 and 191‑5, and inserting:

/ However, unless a youthful offender was convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. When, in the judgment of the director, a committed youthful offender should be released conditionally under supervision, he shall so report and recommend to the division. The conditions of release must include the requirement that the youthful offender must permit the search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, and any of the youthful offender’s possessions by:

 (1) his supervisory agent;

 (2) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (3) any other law enforcement officer.

 However, the conditions of release of a youthful offender who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the youthful offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the youthful offender’s person, any vehicle the youthful offender owns or is driving, or any of the youthful offender’s possessions. /

Amend the bill further, SECTION 6, by deleting the third undesignated paragraph in Section 24‑13‑710, page 191‑6, lines 23 through 30, and inserting:

/ An inmate must not be granted supervised furlough if he fails to comply with this provision. However, unless an inmate was convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, he may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 6, by deleting the sixth undesignated paragraph in Section 24‑13‑710, page 191‑7, lines 6 through 13, and inserting:

/ However, the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 7, by deleting the first undesignated paragraph following Section 24‑13‑720(2), pages 191‑8 and 191‑9, and inserting:

/ However, unless an inmate was convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, he may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 7, by deleting the fourth undesignated paragraph under Section 24‑13‑720, page 191‑9, lines 14 through 21, and inserting:

/ However, the conditions for participation for an inmate who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(D)(2), page 191‑10, lines 31 through 38, and inserting:

/ However, a shock incarceration inmate who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the shock incarceration inmate’s person, any vehicle the shock incarceration inmate owns or is driving, or any of the shock incarceration inmate’s possessions. /

Amend the bill further, SECTION 8, by deleting the first undesignated paragraph following Section 24‑13‑1330(E)(2), page 191‑11, lines 28 through 35, and inserting:

/ However, the conditions of parole of a parolee who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Amend the bill further, SECTION 9, by deleting the second undesignated paragraph under Section 24‑21‑410, page 191‑12, lines 32 through 38, and inserting:

/ However, a defendant who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions. /

Amend the bill further, SECTION 10, by deleting Section 24‑21‑430(2), page 191‑13, lines 29 through 37, and inserting:

/ (2) any other law enforcement officer, but the conditions imposed upon a probationer who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions. /

Amend the bill further, SECTION 11, by deleting Section 24‑21‑560(B)(2), pages 191‑14 and 191‑15, and inserting:

/ (2) any other law enforcement officer, but the conditions for participation for an offender who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions. /

Amend the bill further, SECTION 12, by deleting the first undesignated paragraph following Section 24‑21‑640(2), page 191‑16, lines 8 through 14, and inserting:

/ However, an inmate who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions. /

Amend the bill further, SECTION 13, by deleting the first undesignated paragraph following Section 24‑21‑645, page 191‑17, lines 33 through 40, and inserting:

/ However, the conditions of parole for a parolee who was not convicted of or pled guilty or nolo contendere to a crime involving the use of a weapon, as defined in Section 16‑23‑405, may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 4 (COUNCIL\MS\7674AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to provide the opportunity for an offender to attend financial management classes which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 5 (COUNCIL\MS\7672AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to provide the opportunity for an offender to attend anger management classes which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 6 (COUNCIL\MS\7670AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to provide the opportunity for an offender to obtain his high school diploma or the GED equivalent through appropriate classes which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment.

Rep. MCLEOD demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 30

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Jennings | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Battle | Bowers |
| Brantley | R. L. Brown | Clyburn |
| Dillard | Funderburk | Gilliard |
| Hart | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Kennedy | King | Knight |
| McLeod | Miller | Mitchell |
| Parks | Rutherford | Vick |
| Weeks | Whipper | Williams |

**Total--30**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 7 (COUNCIL\MS\7673AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to provide the opportunity for an offender to attend financial management classes which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 8 (COUNCIL\MS\7676AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to require an offender to complete a job interview and resume building class which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 9 (COUNCIL\MS\7675AHB10), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. The Department of Corrections or the Department of Probation, Parole and Pardon Services, as appropriate, is directed to require an offender to declare a job preference and complete an appropriate job skill training course which must be provided by the department prior to an offender being released on parole, community supervision, supervised furlough, or probation before the provisions of this act related to warrantless search and seizure may apply to the offender released under one of these programs. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. KELLY moved to table the amendment, which was agreed to.

Reps. G. R. SMITH and RUTHERFORD proposed the following Amendment No. 15 (COUNCIL\BBM\9598HTC10), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. In any instance in which a law enforcement officer has failed to make the reports necessary to the State Law Enforcement Division for warrantless searches, then in the absence of a written policy by the employing agency enforcing the reporting requirements, the otherwise applicable state imposed one day suspension without pay applies. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Rep. KELLY spoke against the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. KELLY moved to table the amendment.

Rep. KENNEDY demanded the yeas and nays which were taken, resulting as follows:

Yeas 27; Nays 80

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bingham |
| Chalk | Cole | Daning |
| Erickson | Forrester | Gambrell |
| Harrell | Herbkersman | Hiott |
| Horne | Kelly | Kirsh |
| Long | Lowe | V. S. Moss |
| Norman | Pinson | Scott |
| Simrill | D. C. Smith | Sottile |
| Stringer | Toole | A. D. Young |

**Total--27**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brantley |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cooper | Delleney |
| Dillard | Duncan | Edge |
| Frye | Funderburk | Gilliard |
| Hamilton | Hardwick | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Littlejohn |
| Loftis | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Owens | Parker |
| Parks | M. A. Pitts | Rice |
| Rutherford | Sandifer | G. M. Smith |
| G. R. Smith | Stavrinakis | Stewart |
| Thompson | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | T. R. Young |  |

**Total--80**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. J. H. NEAL spoke against the Bill.

Rep. STAVRINAKIS spoke in favor of the Bill.

Rep. M. A. PITTS spoke against the Bill.

Rep. MCEACHERN spoke in favor of the Bill.

Rep. JEFFERSON spoke against the Bill.

Rep. HOSEY spoke against the Bill.

Rep. HOWARD spoke against the Bill.

Rep. WHIPPER moved to recommit the Bill to the Committee on Judiciary.

Rep. WHIPPER demanded the yeas and nays which were taken, resulting as follows:

Yeas 29; Nays 75

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Kennedy |
| King | Knight | Mitchell |
| J. H. Neal | Neilson | Parks |
| Rutherford | Vick | Weeks |
| Whipper | Williams |  |

**Total--29**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Jennings | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Thompson | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--75**

So, the House refused to recommit the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 81; Nays 26

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cole |
| Daning | Delleney | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Jennings | Kelly |
| Kirsh | Knight | Limehouse |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Stewart | Stringer | Thompson |
| Umphlett | Viers | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--81**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Brantley | G. A. Brown | Cobb-Hunter |
| Dillard | Duncan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Jefferson | Kennedy |
| King | Littlejohn | Loftis |
| Mitchell | J. H. Neal | Parks |
| M. A. Pitts | Rutherford | Vick |
| Weeks | Williams |  |

**Total--26**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

 I was temporarily out of the Chamber due to a meeting, during the vote today on S. 191. If I had been present, I would have voted in favor of the Bill.

 Rep. B. R. Skelton

RECORD FOR VOTING

 During the vote on S. 191, I was temporarily out of the Chamber due to attending a funeral. If I had been present, I would have voted in favor of the Bill.

 Rep. Mac Toole

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on S. 191. If I had been present, I would have voted in favor of the Bill.

 Rep. Nikki Haley

**RECURRENCE TO THE MORNING HOUR**

Rep. ALLISON moved that the House recur to the Morning Hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4605 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, MARCH 2, 2010, SOUTH CAROLINA REALTOR DAY IN ORDER TO RECOGNIZE AND HONOR THE MANY OUTSTANDING REALTORS AND REAL ESTATE PROFESSIONALS IN OUR STATE.

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4570 -- Reps. Clemmons and Hardwick: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 17 BYPASS AND SOUTH CAROLINA HIGHWAY 544 IN HORRY COUNTY THE "NELSON JACKSON MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "NELSON JACKSON MEMORIAL INTERCHANGE".

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4579 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAYS 76 AND 378 WITH LOWER RICHLAND BOULEVARD IN RICHLAND COUNTY "BETTY AND SAM MCGREGOR INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS

"BETTY AND SAM MCGREGOR INTERSECTION BETTY - 2009 SOUTH CAROLINA AND NATIONAL MOTHER OF THE YEAR".

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1191 -- Senators Ryberg, Leatherman, Sheheen, Peeler, Hayes, Verdin, Campbell, Grooms, Hutto, McConnell, Lourie, Williams, Alexander, Setzler, Knotts, Massey, Nicholson, Anderson, Rose, Leventis, L. Martin, Land, Matthews and Shoopman: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2010 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4609 -- Reps. Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE SARAH ELIZABETH JOHNSON OF ABBEVILLE COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH FULFILLMENT AND HAPPINESS IN THE COMING YEARS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4610 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester and Owens: A HOUSE RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

The Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4611 -- Reps. Haley, E. H. Pitts and Huggins: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE UNTIMELY PASSING OF NATHANIEL ROSS PHILLIPS OF LEXINGTON COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY, HIS CAREGIVERS, AND HIS MANY FRIENDS AND ADMIRERS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4612 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE LIFEPOINT, INC., FOR ITS MANY YEARS OF ASSISTING DONORS IN GIVING THE GIFT OF LIFE THROUGH ORGAN, TISSUE, AND EYE RECOVERY, TO COMMEND NANCY A. KAY, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE ORGANIZATION, FOR HER QUARTER CENTURY OF DEDICATED SERVICE TO LIFEPOINT AND ITS CLIENTS, AND TO CONGRATULATE LIFEPOINT ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4613 -- Rep. Hodges: A CONCURRENT RESOLUTION TO RECOGNIZE THAT THE MEMBERS OF THE GENERAL ASSEMBLY, BY THIS RESOLUTION, HEREBY RECOGNIZE THE IMPORTANCE TO SOUTH CAROLINA OF MICROENTERPRISES, DEFINED AS SMALL BUSINESSES WITH FEWER THAN FIVE EMPLOYEES, AND DESIGNATE THE MONTH OF JUNE 2011, AND THE MONTH OF JUNE EVERY YEAR THEREAFTER UNTIL JUNE 2021, AS "MICROENTERPRISE DEVELOPMENT MONTH" IN SOUTH CAROLINA.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**HOUSE RESOLUTION**

The following was introduced:

H. 4614 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CORDIALLY WELCOME TO THE SOUTH CAROLINA STATE HOUSE THE HONORABLE ALFRED VANDERPUIJE, MAYOR OF ACCRA, GHANA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1216 -- Senators Sheheen, Ford, Malloy, Scott, Williams, Land, Anderson, McGill and Nicholson: A CONCURRENT RESOLUTION TO HONOR AND CELEBRATE THE HISTORIC GATHERING OF THE AME, AME ZION, AND CME CHURCHES IN COLUMBIA, SOUTH CAROLINA, ON MARCH 1-3, 2010.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4615 -- Reps. Loftis, Haley, Ballentine, Viers, Edge, Gunn, M. A. Pitts, Spires, Toole and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-103-115 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THE REGISTER ON ITS WEBSITE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ON ITS WEBSITE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE.

Referred to Committee on Education and Public Works

H. 4616 -- Reps. Littlejohn, Brantley, Hodges, Jefferson, R. L. Brown, Clemmons, Cobb-Hunter, Herbkersman and Weeks: A BILL TO AMEND SECTION 50-9-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND OTHER LICENSES, SO AS TO ADD A ONE-DOLLAR SURCHARGE TO EACH LICENSE FEE CONTAINED IN THE SECTION AND PROVIDE THAT THIS SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS IN THE MANNER PROVIDED IN SECTION 50-1-275; AND TO ADD SECTION 50-1-275 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE ONE-DOLLAR SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS, INCLUDING THE ESTABLISHMENT OF A SEVEN-MEMBER BOARD IN EACH GAME ZONE TO OVERSEE THE EXPENDITURE OF THE FUNDS ALLOCATED TO THAT GAME ZONE FOR THIS PURPOSE.

Referred to Committee on Ways and Means

H. 4617 -- Reps. Hamilton, Huggins, Simrill, Millwood, Bedingfield, Harrison, Horne, Norman, M. A. Pitts, G. R. Smith, Stringer, Willis, Wylie and A. D. Young: A BILL TO AMEND SECTION 27-37-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EJECTMENT PROCEEDINGS, SO AS TO PROVIDE A MANNER FOR EJECTING TENANTS, TO REDUCE THE NUMBER OF DAYS WITHIN WHICH A TENANT MUST RESPOND TO A RULE TO VACATE, AND TO PROVIDE IF THE TENANT FAILS TO APPEAR AND SHOW CAUSE WITHIN FIVE DAYS AFTER SERVICE OF THE RULE THE MAGISTRATE SHALL ISSUE A WARRANT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY CERTAIN LAW ENFORCEMENT OFFICIALS; TO AMEND SECTION 27-37-30, RELATING TO SERVICE OF THE RULE TO EVICT, SO AS TO PROVIDE THIS SERVICE ONLY MAY BE MADE BY LEAVING THE RULE AFFIXED TO THE MOST CONSPICUOUS PART OF THE PREMISES; TO AMEND SECTION 27-37-60, RELATING TO A TRIAL FOR AN EJECTMENT ACTION, SO AS TO PROVIDE A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE TO A TENANT; TO AMEND SECTION 27-37-70, RELATING TO THE DESIGNATION OF PARTIES IN AN EJECTMENT ACTION, SO AS TO CONFORM TO THE PROVISION THAT A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE; TO AMEND SECTION 27-37-100, RELATING TO THE EFFECT OF A VERDICT FOR THE PLAINTIFF, SO AS TO PROVIDE A MAGISTRATE IMMEDIATELY MUST ISSUE A WRIT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY A CONSTABLE OR SHERIFF, AND TO PROVIDE A MANNER IN WHICH THE EJECTMENT MUST BE EXECUTED; AND TO REPEAL SECTION 27-37-40 RELATING TO THE EJECTMENT OF A TENANT FOR FAILURE TO SHOW CAUSE; SECTION 27-37-80 RELATING TO THE RIGHT TO A JURY TRIAL; AND SECTION 27-37-160 RELATING TO THE EXECUTION OF A WRIT OF EJECTMENT.

Referred to Committee on Judiciary

H. 4618 -- Reps. Herbkersman and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-17-160 SO AS TO PROVIDE THAT ON JULY 1, 2012, THE AREA OF EACH COUNTY OF THIS STATE ALSO MUST BE CONSTITUTED AS A SCHOOL DISTRICT AND A COUNTY MAY NOT HAVE MULTIPLE SCHOOL DISTRICTS WITHIN ITS BOUNDARIES UNLESS THE COUNTY COUNCIL OF A COUNTY PASSES AN ORDINANCE TO CREATE AND FUND ANOTHER SCHOOL DISTRICT WITHIN THE COUNTY, TO PROVIDE THAT THE GENERAL ASSEMBLY BY LOCAL LAW BEFORE JULY 1, 2012, SHALL PROVIDE FOR THE GOVERNANCE, FISCAL AUTHORITY, AND ADMINISTRATIVE AND OPERATIONAL RESPONSIBILITIES FOR A COUNTYWIDE SCHOOL DISTRICT WHERE NO PROVISIONS OF LAW NOW APPLY, AND TO PROVIDE THAT ALL ACTS OR PARTS OF ACTS RELATING TO A SCHOOL DISTRICT THAT IS NOT A COUNTYWIDE SCHOOL DISTRICT REQUIRED BY SECTION 59-17-160 ARE REPEALED AS OF JULY 1, 2012.

Referred to Committee on Education and Public Works

H. 4619 -- Reps. Herbkersman, Chalk and Erickson: A BILL TO AMEND SECTION 59-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE EDUCATION FINANCE ACT, SO AS TO REVISE THE DEFINITION OF "INDEX OF TAXPAYING ABILITY" TO PROVIDE THAT THE INDEX FOR EACH SCHOOL DISTRICT IS BASED ON THE WAGES OF THE COUNTY IN WHICH THE DISTRICT IS LOCATED.

Referred to Committee on Ways and Means

H. 4620 -- Reps. Herbkersman and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA CHARITABLE INVESTMENT RECOVERY ACT OF 2010"; BY ADDING SECTION 33-56-56 SO AS TO EXEMPT CERTAIN LOANS TO CHARITIES FROM RETIREMENT ACCOUNTS FROM REPORTING REQUIREMENTS RELATED TO THE SOLICITATION OF CHARITABLE FUNDS; BY ADDING SECTION 38-63-110 SO AS TO PROVIDE A BONA FIDE CHARITY OR NOT-FOR-PROFIT CORPORATION MAY HAVE AN INSURABLE INTEREST IN AN INSURED'S LIFE IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 33-31-1407, RELATING TO A KNOWN CLAIM AGAINST A DISSOLVED CORPORATION, SO AS TO PROVIDE A CLAIM FOR A LIFE INSURANCE POLICY OWNED BY A CHARITY UNDER CERTAIN CIRCUMSTANCES MAY NOT BE BARRED; AND TO AMEND SECTION 35-1-102, RELATING TO CERTAIN DEFINITIONS ASSOCIATED WITH SOUTH CAROLINA UNIFORM SECURITIES ACT OF 2005, SO AS TO AMEND THE DEFINITION OF AN INVESTMENT CONTRACT.

Referred to Committee on Labor, Commerce and Industry

H. 4621 -- Rep. Harvin: A BILL TO AMEND SECTION 44-39-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD'S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4622 -- Reps. Clyburn, Cooper, Weeks, Agnew, Anthony, Edge, Harvin, Hayes, Hosey, Jefferson, Kennedy, McLeod, Rice, White and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROVIDE FOR THE EXEMPTION OF A PORTION OF THE FAIR MARKET VALUE OF ALL REAL PROPERTY ASSOCIATED WITH A FACILITY FOR THE GENERATION OF ELECTRIC POWER PLACED INTO SERVICE AFTER THE EFFECTIVE DATE OF THIS SECTION AND TO SUBJECT THE REMAINING PORTION TO A STATE PROPERTY TAX AND PROVIDE FOR ITS DISTRIBUTION AMONG THE POLITICAL SUBDIVISIONS OF THIS STATE, WITH AN AGGREGATE ANNUAL CAP ON DISTRIBUTION TO A COUNTY AND SCHOOL DISTRICTS AND MUNICIPALITIES THEREIN OF TWENTY MILLION DOLLARS AND TO PROVIDE THAT AMOUNTS OVER THE AGGREGATE COUNTY CAP MUST BE DISTRIBUTED TO THE COUNTY AND SCHOOL DISTRICTS AND MUNICIPALITIES THEREIN IN WHICH THE FACILITY IS LOCATED.

Referred to Committee on Ways and Means

H. 4623 -- Reps. H. B. Brown, Merrill, Ballentine and Thompson: A BILL TO AMEND SECTION 59-117-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH CAROLINA, SO AS TO PROVIDE THAT ALL MEMBERS ELECTED BY THE GENERAL ASSEMBLY MUST BE GRADUATES OF THE UNIVERSITY OF SOUTH CAROLINA, BEGINNING WITH MEMBERS ELECTED AFTER JUNE 1, 2010.

Referred to Committee on Judiciary

H. 4624 -- Reps. Chalk, Whipper, Allen, Allison, Brady, R. L. Brown, Clemmons, Cobb-Hunter, Dillard, Harrison, Hodges, Limehouse, Long and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 40 SO AS TO ENACT THE "MUSIC THERAPY PRACTICE ACT", TO REGULATE THE PRACTICE OF MUSIC THERAPY, TO PROVIDE CERTAIN DEFINITIONS, TO CREATE THE SOUTH CAROLINA BOARD OF MUSIC THERAPY TO ASSIST THE DEPARTMENT ON ALL MATTERS PERTAINING TO THE EDUCATION, EXAMINATION, LICENSURE, AND CONTINUING EDUCATION OF LICENSED MUSICAL THERAPISTS AND THE PRACTICE OF MUSIC THERAPY, TO PROHIBIT THE CONDUCT OF MUSIC THERAPY WITHOUT A LICENSE, TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION PROVIDE ADMINISTRATIVE, FISCAL, INVESTIGATIVE, INSPECTIONAL, CLERICAL, SECRETARIAL, AND LICENSE RENEWAL OPERATIONS AND ACTIVITIES OF THE BOARD, TO PROVIDE DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE CRITERIA FOR LICENSURE, AND TO PROVIDE FOR THE USE OF A PROFESSIONAL DESIGNATION; AMONG OTHER THINGS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

Rep. KELLY moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 3:12 p.m. the House in accordance with the motion of Rep. KELLY adjourned to meet at 10:00 a.m. tomorrow.

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