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Indicates New Matter

COMMITTEE REPORT

April 14, 2010

**S. 217**

Introduced by Senator Fair

S. Printed 4/14/10--H.

Read the first time April 1, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 217) to amend Section 24‑3‑20, Code of Laws of South Carolina, 1976, relating to the designation of places of confinement for inmates, so as to substitute, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 24‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM “REGIONAL COUNTY OR MUNICIPAL JAIL” FOR THE TERM “COUNTY JAIL”, AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24‑3‑27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24‑3‑30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24‑3‑50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM “STATE PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24‑3‑130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS “FEE” FOR THE TERM “HIRE”, “INMATES” FOR THE TERM “CONVICTS”, “EMPLOYEES” FOR THE TERM “GUARDS”, AND “PRISON” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS “INMATE” FOR THE TERM “CONVICT” AND THE TERM “STATE PRISON” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM “DEPARTMENT” FOR THE TERM “PENITENTIARY” AND THE TERM “INMATES” FOR THE TERM “CONVICTS”; TO AMEND SECTION 24‑3‑310, RELATING TO THE GENERAL ASSEMBLY’S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM “PRISON” FOR THE TERM “CONVICT”, AND “INMATES” FOR THE TERM “CONVICTS”; TO AMEND SECTION 24‑3‑320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS” AND TO DELETE THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑340, RELATING TO THE STATE’S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑37‑370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM “JAIL”; TO AMEND SECTION 24‑3‑520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24‑3‑540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”, AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM’S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24‑3‑720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM “STATE PRISON SYSTEM” FOR THE TERM “PENITENTIARY” AND THE TERM “OTHER EMPLOYEES” FOR THE TERM “OTHER OFFICERS”; TO AMEND SECTION 24‑3‑940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “PRISONER”, TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24‑5‑10, RELATING TO A SHERIFF’S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER” AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑5‑12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER”, AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24‑5‑20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY’S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24‑5‑50, RELATING TO A SHERIFF’S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGERS” FOR THE TERM “JAILERS”, AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24‑5‑60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM “GOVERNING BODIES” FOR THE TERM “JAILERS”, AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24‑5‑80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24‑5‑90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER”, AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24‑5‑110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “SHERIFF”, AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24‑5‑120, RELATING TO A SHERIFF’S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “SHERIFF”; TO AMEND SECTION 24‑5‑170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24‑5‑300, 24‑5‑310, 24‑5‑320, AS AMENDED, 24‑5‑330, 24‑5‑350, 24‑5‑360, AS AMENDED, 24‑5‑370, 24‑5‑380, AND 24‑5‑390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS’ COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM “JAILER”; TO AMEND SECTION 24‑7‑60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND THE TERM “GENERAL FUND” FOR THE TERM “ROAD FUND”; TO AMEND SECTION 24‑7‑110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY’S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “MEDICAL PERSONNEL” FOR THE TERM “PHYSICIAN”, “INMATES” FOR THE TERM “CONVICTS”, “COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES” FOR THE TERM “CHAIN GANG”, AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY’S CUSTODY; TO AMEND SECTION 24‑7‑120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24‑7‑155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI‑JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “PRISONER”, TO DELETE A REFERENCE TO THE TERM “SUPERINTENDENT OF THE FACILITY”, AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24‑9‑30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑9‑35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM “FACILITY MANGER” FOR THE TERM “JAILER”; TO AMEND SECTION 24‑9‑40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24‑13‑10, 24‑13‑20, 24‑13‑30, 24‑13‑40, 24‑13‑50, 24‑13‑80, 24‑13‑125, 24‑13‑150, 24‑13‑210, 24‑13‑230, 24‑13‑235, 24‑13‑260, 24‑13‑410, 24‑13‑420, 24‑13‑430, 24‑13‑440, 24‑13‑450, 24‑13‑460, 24‑13‑470, 24-13-640, 24‑13‑660, 24‑13‑910, 24‑13‑915, 24‑13‑940, AND 24‑13‑1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER’S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM “LOCAL DETENTION FACILITIES” FOR THE TERM “CHAIN GANGS”, SUBSTITUTE THE TERMS “INMATES” AND “CONVICTS” FOR THE TERM “PRISONERS”, TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “OFFICIAL”, TO REVISE THE DEFINITION OF THE TERM “DETENTION FACILITY”, TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE’S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM “LOCAL CORRECTIONAL FACILITY”; TO AMEND SECTION 16‑7‑140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER’S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM “COUNTY JAIL”; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON’S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN’S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM “DETENTION FACILITY” FOR THE TERM “CORRECTIONAL FACILITY”, AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24‑3‑150, 24‑3‑200, 24‑5‑30, 24‑5‑70, 24‑5‑100, 24‑5‑140, 24‑5‑150, 24‑5‑160, 24‑7‑70, 24‑7‑80, 24‑7‑130, 24‑7‑140, AND 24‑7‑150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF’S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 24‑3‑20(A) of the 1976 Code is amended to read:

“(A) A person convicted of an offense against this State and sentenced to imprisonment for more than three months is in the custody of the South Carolina Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. Nothing in this section prevents a court from ordering a sentence to run concurrently with a sentence being served in another state or an active federal sentence. The department may designate as a place of confinement any available, suitable, and appropriate institution or facility, including a regional, county, or municipal jail or prison camp, whether maintained by the department~~,~~ or ~~otherwise~~ by some other entity. If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must first be obtained. However, a prisoner who escapes or attempts to escape while assigned to medium, close, or maximum custody may not serve his sentence for the original conviction or an additional sentence for the escape or attempted escape in a minimum security facility for at least five years after the escape or attempted escape and one year before his projected release date.”

SECTION 2. Section 24‑3‑27(B) of the 1976 Code is amended to read:

“(B) Every sentenced person committed to a local regional correctional facility constructed or operated pursuant to this section, unless disqualified by sickness or otherwise, must be kept at some useful employment suited to his age and capacity and which may tend to promote the best interest of the citizens of this State. In all cases, the decision to assign work, or disqualify a person from work, or both, is the sole discretion of the official in charge of the facility, and in all cases, no person has a basis to challenge this decision.”

SECTION 3. Section 24‑3‑30(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, a person convicted of an offense against the State must be in the custody of the Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. The department may designate as a place of confinement an available, a suitable, and an appropriate institution or facility including, but not limited to, a regional, county, or municipal jail or ~~work~~ prison camp, whether maintained by the Department of Corrections, or by some other entity. ~~However, the consent of the officials in charge of any regional, county, or municipal institutions so designated must be obtained first.~~ If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must be obtained first. If imprisonment for three months or less is ordered by the court as the punishment, all persons so convicted must be placed in the custody, supervision, and control of the appropriate officials of the county in which the sentence was pronounced, if the county has facilities suitable for confinement. A county or municipality, through mutual agreement or contract, may arrange with another county or municipality or a local regional correctional facility for the detention of its prisoners. The Department of Corrections must be notified by the governing body concerned not less than six months before the closing of a local detention facility which would result in the transfer of those state prisoners confined in the local facility to facilities of the department.”

SECTION 4. Section 24‑3‑40 of the 1976 Code is amended to read:

“(A) Unless otherwise provided by law, the employer of a prisoner authorized to work at paid employment in the community under Sections 24‑3‑20 to 24‑3‑50 or in a prison industry program provided under Article 3 of this chapter shall pay the prisoner’s wages directly to the Department of Corrections.

If the prisoner is serving his sentence in a local detention or correctional facility pursuant to a designated facilities agreement or in a local work/punishment program, or if the local governing body elects to operate one, then the same provisions for payment directly to the official in charge of the facility shall apply if the facility has the means to account for such monies.

The Director of the Department of Corrections, or the local detention or correctional facility manager, if applicable, shall deduct the following amounts from the gross wages of the prisoner:

(1) If restitution to a particular victim or victims has been ordered by the court, then twenty percent must be used to fulfill the restitution obligation. If a restitution payment schedule has been ordered by the court pursuant to Section 17‑25‑322, the twenty percent must be applied to the scheduled payments. If restitution to a particular victim or victims has been ordered but a payment schedule has not been specified by the court, the director shall impose a payment schedule of equal monthly payments and use twenty percent to meet the payment schedule so imposed.

(2) If restitution to a particular victim or victims has not been ordered by the court, or if court‑ordered restitution to a particular victim or victims has been satisfied, then the twenty percent referred to in subsection (1) must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98‑473, Title II, Chapter XIV, Section 1404, if the prisoner is engaged in work at paid employment in the community. If the prisoner is employed in a prison industry program, then the twenty percent referred to in subsection (1) must be directed to the State Office of Victim Assistance for use in training, program development, victim compensation, and general administrative support pursuant to Section 16‑3‑1410.

(3) Thirty‑five percent must be used to pay the prisoner’s child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty‑five percent must be used by the Department of Corrections to defray the cost of the prisoner’s room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the inmate during his incarceration for the purchase of incidentals pursuant to subsection (4). This is in addition to the ten percent used for the same purpose in subsection (4).

(4) Ten percent must be available to the inmate during his incarceration for the purchase of incidentals. Any monies made available to the inmate for the purchase of incidentals also may be distributed to the person or persons of the inmate’s choice.

(5) Ten percent must be held in an interest bearing escrow account for the benefit of the prisoner.

(6) The remaining balance must be used to pay federal and state taxes required by law. Any monies not used to satisfy federal and state taxes must be made available to the inmate for the purchase of incidentals pursuant to subsection (4).

(B) The Department of Corrections, or the local detention or correctional facility, if applicable, shall return a prisoner’s wages held in escrow pursuant to subsection (A) as follows:

(1) A prisoner released without community supervision must be given his escrowed wages upon his release.

(2) A prisoner serving life in prison or sentenced to death shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.

(3) A prisoner released to community supervision shall receive two hundred dollars or the escrow balance, whichever is less, upon his release. Any remaining balance must be disbursed to the Department of Probation, Parole and Pardon Services. The prisoner’s supervising agent shall apply this balance toward payment of the prisoner’s housing and basic needs and dispense any balance to the prisoner at the end of the supervision period.”

SECTION 5. Section 24‑3‑50 of the 1976 Code is amended to read:

“Section 24‑3‑50. The wilful failure of a prisoner to remain within the extended limits of his confinement as authorized by Section 24‑3‑20(b), or to return within the time prescribed to the designated place of confinement, including a local facility, ~~shall be deemed~~ is an escape ~~from the custody of the Department of Corrections~~ and is punishable as provided in Section 24‑13‑410.”

SECTION 6. Section 24‑3‑60 of the 1976 Code is amended to read:

“Section 24‑3‑60. The county clerks of ~~the courts~~ court ~~of general sessions and common pleas of the several counties in this State~~ shall immediately ~~after~~ upon the adjournment of the court of general sessions, in their respective counties, notify the Department of Corrections of the number of ~~convicts~~ prisoners sentenced by the court to imprisonment in the ~~penitentiary~~ state prison system. The department, as soon as it receives such notice, shall send a suitable number of ~~guards~~ employees to ~~convey such convicts~~ transfer the prisoners to the ~~penitentiary~~ state prison system.”

SECTION 7. Section 24‑3‑70 of the 1976 Code is amended to read:

“Section 24‑3‑70. No sum beyond the actual expenses incurred in ~~conveying such convicts~~ transferring prisoners to the ~~penitentiary shall~~ Department of Corrections must be allowed for ~~such~~ these services. ~~Such~~ This sum ~~shall~~ must be paid to the department by the State Treasurer upon the warrant of the Comptroller General.”

SECTION 8. Section 24‑3‑80 of the 1976 Code is amended to read:

“Section 24‑3‑80. The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this State by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty‑eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the ~~penitentiary~~ state prison system.”

SECTION 9. Section 24‑3‑81 of the 1976 Code is amended to read:

“Section 24‑3‑81. ~~No~~ A prisoner who is incarcerated within the state prison system or who is being detained in a local jail, local detention facility, local correctional facility, or local prison camp, whether awaiting a trial or serving a sentence, is not ~~shall be~~ permitted to have conjugal visits~~, as defined by the department, except pursuant to written guidelines and procedures promulgated by the department~~.”

SECTION 10. Section 24‑3‑130(A) of the 1976 Code is amended to read:

“(A) The State Department of Corrections may permit the use of ~~prison~~ inmate labor on state highway projects or other public projects that may be practical and consistent with safeguarding of the inmates employed on the projects and the public. The Department of Transportation, another state agency, or a county, municipality, or public service district making a beneficial public improvement may apply to the department for the use of inmate labor on the highway project or other public improvement or development project. If the director determines that the labor may be performed with safety and the project is beneficial to the public, he may assign inmates to labor on the highway project or other public purpose project. The inmate labor force must be supervised and controlled by officers designated by the department but the direction of the work performed on the highway or other public improvement project must be under the control and supervision of the person designated by the agency, county, municipality, or public service district responsible for the work. No person convicted of criminal sexual conduct in the first, second, or third degree or a person who commits a violent crime while on a work release program may be assigned to perform labor on a project described by this section.”

SECTION 11. Section 24‑3‑131 of the 1976 Code is amended to read:

“Section 24‑3‑131. The Department of Corrections shall determine whether an agency permitted to utilize ~~convict~~ inmate labor on public projects pursuant to Section 24‑3‑130 can adequately supervise the inmates. If the director determines that the agency lacks the proper personnel, the agency shall be required to reimburse the department for the cost of maintaining correctional officers to supervise the ~~convicts~~ inmates. In ~~all~~ these cases the Department of Corrections shall be responsible for adequate supervision of the inmates.”

SECTION 12. Section 24‑3‑140 of the 1976 Code is amended to read:

“Section 24‑3‑140. The Director of the Department of Corrections shall, when called upon by the keeper of the State House and Grounds, furnish such ~~convict~~ inmate labor as he may need to keep the State House and Grounds in good order.”

SECTION 13. Section 24‑3‑160 of the 1976 Code is amended to read:

“Section 24‑3‑160. ~~Any~~ An institution of this State getting ~~convicts~~ inmates from the State ~~Penitentiary~~ Prison System by any act or joint resolution of the General Assembly ~~shall be~~ is required to pay to the Director of the Department of Corrections all moneys expended by him for transportation, guarding, clothing, and feeding ~~such convicts~~ the inmates while working for ~~such~~ the institutions and also for medical attention, and the officer in charge of any such institution shall also execute and deliver to the director, at the end of each year, a receipt of five dollars and fifty cents ~~per~~each month for the work of each ~~convict~~inmate so employed.”

SECTION 14. Section 24‑3‑170 of the 1976 Code is amended to read:

“Section 24‑3‑170. Clemson University shall pay to the ~~State~~ Department of Corrections ~~hire~~ a fee for all ~~convicts~~ inmates used by the college at the rate of six dollars ~~per~~each month and shall pay the cost of clothing, feeding, and guarding ~~such convicts~~ the inmates while ~~so~~ used and also the transportation of ~~such convicts~~ the inmates and ~~guards~~ employees back and forth from the ~~penitentiary~~ prison to the university.”

SECTION 15. Section 24‑3‑180 of the 1976 Code is amended to read:

“Section 24‑3‑180. Whenever ~~a convict shall be~~ an inmate is discharged from ~~the penitentiary~~ a state prison, the ~~State~~ Department of Corrections shall furnish ~~such convict~~ the inmate with a suit of common clothes, if ~~deemed~~ necessary, and transportation from the ~~penitentiary~~ prison to his home or as near ~~thereto~~ to it as can be done by public conveyances. The cost of ~~such~~ transportation and clothes ~~shall~~ must be paid ~~to~~ by the State Treasurer, on the draft of the department, countersigned by the Comptroller General.”

SECTION 16. Section 24‑3‑190 of the 1976 Code is amended to read:

“Section 24‑3‑190. The balance in the hands of the ~~State~~ Department of Corrections at the close of any year, together with all other amounts received or to be received from the hire of ~~convicts~~ inmates or from any other source during the current fiscal year, are appropriated for the support of the ~~penitentiary~~ department.”

SECTION 17. Section 24‑3‑310 of the 1976 Code is amended to read:

“Section 24‑3‑310. Since the means now provided for the employment of ~~convict~~ prison labor is inadequate to furnish a sufficient number of ~~convicts~~ inmates with employment, it is the intent of this article to:

(1) further provide more adequate, regular, and suitable employment for the ~~convicts~~ inmates of this State, consistent with proper penal purposes;

(2) further utilize the labor of ~~convicts~~ inmates for self‑maintenance and for reimbursing this State for expenses incurred by reason of their crimes and imprisonment;

(3) effect the requisitioning and disbursement of prison products directly through established state authorities with no possibility of private profits ~~therefrom~~; and

(4) provide prison industry projects designed to place inmates in a realistic working and training environment in which they are able to acquire marketable skills and to make financial payments for restitution to their victims, for support of their families, and for the support of themselves in the institution.”

SECTION 18. Section 24‑3‑320 of the 1976 Code is amended to read:

“Section 24‑3‑320. The ~~State~~ Department of Corrections may purchase, in the manner provided by law, equipment, raw materials, and supplies and engage the supervisory personnel necessary to establish and maintain for this State at ~~the penitentiary or~~ any penal farm or institution now, or hereafter, under control of the department, industries for the utilization of services of ~~convicts~~inmates in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance, or use of any office, department, institution, or agency supported in whole or in part by this State and ~~the~~ its political subdivisions ~~thereof~~.”

SECTION 19. Section 24‑3‑330(A) of the 1976 Code is amended to read:

“(A) All offices, departments, institutions, and agencies of this State supported in whole or in part by this State shall purchase, and all political subdivisions of this State may purchase, from the State Department of Corrections, articles or products made or produced by ~~convict~~ inmate labor in this State or another state as provided for by this article. These articles and products must not be purchased by an office, a department, an institution, or an agency from another source, unless excepted from the provisions of this section, as provided by law. All purchases must be made from the Department of Corrections, upon requisition by the proper authority of the office, department, institution, agency, or political subdivision of this State requiring the articles or products.”

SECTION 20. Section 24‑3‑340 of the 1976 Code is amended to read:

“Section 24‑3‑340. Notwithstanding the provisions of Sections 24‑3‑310 to 24‑3‑330 and 24‑3‑360 to 24‑3‑420, no office, department, institution, or agency~~,~~ of this State, which is supported in whole or in part by this State, shall be required to purchase any article or product from the State Department of Corrections unless the purchase price of such article or product is no higher than that obtainable from any other producer or supplier.”

SECTION 21. Section 24‑3‑370 of the 1976 Code is amended to read:

“Section 24‑3‑370. The articles or products manufactured or produced by ~~convict~~ inmate labor in accordance with the provisions of this article shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions, and agencies of this State which are supported in whole or in part by this State; and, secondly, to supplying the political subdivisions of this State with such articles or products.”

SECTION 22. Section 24‑3‑400 of the 1976 Code is amended to read:

“Section 24‑3‑400. All monies collected by the ~~State~~ Department of Corrections from the sale or disposition of articles and products manufactured or produced by ~~convict~~ inmate labor, in accordance with the provisions of this article, must be forthwith deposited with the State Treasurer to be kept and maintained as a special revolving account designated ‘Prison Industries Account’, and the monies so collected and deposited must be used solely for the purchase of manufacturing supplies, equipment, machinery, and buildings used to carry out the purposes of this article, as well as for the payment of the necessary personnel in charge, and to otherwise defray the necessary expenses incident thereto and to discharge any existing obligation to the Sinking Funds and Property Division of the State Budget and Control Board, all of which must be under the direction and subject to the approval of the Director of the ~~State~~ Department of Corrections. The Department of Corrections shall contribute an amount of not less than five percent nor more than twenty percent of the gross wages paid to inmate workers participating in any prison industry project established pursuant to the Justice Assistance Act of 1984 (P.L. 98‑473) and promptly place these funds on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984 (P.L. 98‑473, Title 2, Chapter 14, Section 1404). The Prison Industries Account must never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this article. When, in the opinion of the Director of the Department of Corrections, the Prison Industries Account has reached a sum in excess of the requirements of this article, the excess must be used by the Department of Corrections for operating expenses and permanent improvements to the state prison system, subject to the approval of the State Budget and Control Board.”

SECTION 23. Section 24‑3‑420 of the 1976 Code is amended to read:

“Section 24‑3‑420. Any person who wilfully violates any of the provisions of this article other than Section 24‑3‑410 ~~shall be~~ is guilty of a misdemeanor and, upon conviction, shall be confined ~~in jail~~ not less than ten days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both, in the discretion of the court.”

SECTION 24. Section 24‑3‑520 of the 1976 Code is amended to read:

“Section 24‑3‑520. The ~~sheriff of~~ facility manager who has custody of an inmate for the county in which ~~such convicted person~~ the inmate is ~~so~~ sentenced~~, together with one deputy or more, if in his judgment it is necessary,~~ shall transfer the inmate as soon as practical ~~convey such convicted person~~ to the custody of the Department of Corrections at a place designated by its director ~~State Penitentiary at Columbia to deliver him to the Director of the Department of Corrections not more than twenty days nor less than two days prior to the time fixed in the judgment for the execution of such condemned person~~, unless otherwise directed by the Governor or unless a stay of execution has been caused by appeal or the granting of a new trial or other order of a court of competent jurisdiction.”

SECTION 25. Section 24‑3‑540 of the 1976 Code is amended to read:

“Section 24‑3‑540. The Department of Corrections shall provide a death chamber and all necessary appliances for inflicting ~~such~~ this penalty ~~by electrocution~~ and pay the costs thereof out of any funds in its hands. The expense of transporting ~~any such criminal~~ an inmate to the State ~~Penitentiary shall~~ Prison System must be borne by the county in which the offense was committed.”

SECTION 26. Section 24‑3‑550(A)(5) of the 1976 Code is amended to read:

“(5) the counsel for the ~~convict~~ inmate and a religious leader. However, the ~~convict~~ inmate may substitute one person from his immediate family for either his counsel or a religious leader, or two persons from his immediate family for both his counsel and a religious leader. For purposes of this item, “immediate family” means those persons eighteen years of age or older who are related to the ~~convict~~ inmate by blood, adoption, or marriage within the second degree of consanguinity.”

SECTION 27. Section 24‑3‑560 of the 1976 Code is amended to read:

“Section 24‑3‑560. The executioner and the attending physician shall certify the fact of such execution to the clerk of the court of general sessions in which ~~such~~ the sentence was pronounced. ~~Such~~ The certificate shall be filed by the clerk with the papers in the case.”

SECTION 28. Section 24‑3‑570 of the 1976 Code is amended to read:

“Section 24‑3‑570. The body of the person executed ~~shall~~ must be delivered to his relatives. If no claim is made by relatives for ~~such~~ the body, it ~~shall~~ must be disposed of in the same manner as bodies of ~~convicts dying~~ inmates who die in the State ~~Penitentiary~~ Prison System. If the nearest relatives of a person ~~so~~ executed desire that the body be ~~carried~~ transported to ~~such~~ the person’s former home, ~~if in the State,~~ the expenses for ~~such~~ this transportation ~~shall~~ must be paid by the ~~Penitentiary authorities, who shall draw their warrant upon the county treasurer of the county from which such convict came and such county treasurer shall pay such expenses and charge to the item of court expenses~~ State Prison System.”

SECTION 29. Section 24‑3‑710 of the 1976 Code is amended to read:

“Section 24‑3‑710. The director may investigate any misconduct occurring in the State Prison System, provide suitable punishment ~~therefor~~ and execute it, and take all ~~such~~ precautionary measures as in his judgment will make for the safe conduct and welfare of the ~~institution~~ institutions. The director may suppress any disorders, riots, or insurrections that may take place in the ~~penitentiary~~ prison system and prescribe ~~any and all such~~ rules and promulgate regulations ~~as~~ which in his judgment are reasonably necessary to avoid any ~~such~~ occurrence. This same authority applies to the official in charge of a county, municipal, or regional jail, detention facility, or other local facility that houses individuals awaiting trial, serving sentence, or awaiting transfer to another facility, or both.”

SECTION 30. Section 24‑3‑720 of the 1976 Code is amended to read:

“Section 24‑3‑720. In order to suppress any disorders, riots, or insurrection among the prisoners, the Director of the Department of Corrections may require the aid and assistance of any of the citizens of the State.”

SECTION 31. Section 24‑3‑740 of the 1976 Code is amended to read:

“Section 24‑3‑740. Any person so aiding and assisting the Director of the Department of Corrections shall receive a reasonable compensation ~~therefor~~, to be paid by the department, and allowed him on the settlement of his account.”

SECTION 32. Section 24‑3‑750 of the 1976 Code is amended to read:

“Section 24‑3‑750. If, in suppressing ~~any such~~ a disorder, riot, or insurrection, ~~any~~ a person who ~~shall be~~ is acting, aiding, or assisting in committing the same ~~shall be~~ is wounded or killed, the Director of the Department of Corrections, the keeper or ~~any~~ a person aiding or assisting him ~~shall~~ must be held as justified and guiltless.”

SECTION 33. Section 24‑3‑760 of the 1976 Code is amended to read:

“Section 24‑3‑760. In the absence of the Director of the Department of Corrections, the keeper ~~shall have~~ has the same power in suppressing disorders, riots, and insurrections and in requiring aid and assistance in so doing that is ~~herein~~ given to the director.”

SECTION 34. Section 24‑3‑920 of the 1976 Code, as last amended by Act 353 of 2008 is further amended to read:

“Section 24‑3‑920. The Director of the Department of Corrections may award up to two thousand dollars for information leading to the capture of each escaped ~~convict~~ inmate. Funds to support such awards shall be generated from monies or things of value used as money found in the unlawful possession of a prisoner and confiscated as contraband by the Department of Corrections.”

SECTION 35. Section 24‑3‑930 of the 1976 Code is amended to read:

“Section 24‑3‑930. All guards, keepers, ~~employees~~officers, and other ~~officers~~ employees who are employed at the ~~Penitentiary shall be~~ State Prison System are exempted from serving on juries and from military or street duty.”

SECTION 36. Section 24‑3‑940 of the 1976 Code is amended to read:

“Section 24‑3‑940. ~~No gambling shall be~~ Gambling is not permitted at ~~any~~ a prison, farm, or camp where ~~prisoners~~ inmates are kept or worked. ~~Any~~ An officer or employee engaging in, or knowingly permitting, gambling at ~~any such~~ a prison, farm, or camp ~~shall~~ must be ~~immediately~~ dismissed immediately.”

SECTION 37. Section 24‑3‑951 of the 1976 Code is amended to read:

“Section 24‑3‑951. Effective July 1, 1995, notwithstanding Section 24‑3‑956 and any other provision of law, United States currency or money, as it relates to use within the state prison system, is declared contraband and ~~shall be~~ must not be utilized as a medium of exchange for barter or financial transaction between prisoners or prison officials and prisoners within the state prison system, except prisoners on work release or in other community based programs. Inmates must not possess United States currency. All financial disbursements to prisoners or mediums of exchange between prisoners and between the prison system and prisoners shall be transacted with a system of credits.”

SECTION 38. Section 24‑3‑965 of the 1976 Code is amended to read:

“Section 24‑3‑965. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, 24‑3‑950, and 24‑7‑155, the offenses of furnishing contraband, other than weapons or illegal drugs, to ~~a prisoner~~ an inmate under the jurisdiction of the Department of Corrections or to ~~a prisoner~~ an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, and the possession of contraband, other than weapons or illegal drugs, by ~~a prisoner~~ an inmate under the jurisdiction of the Department of Corrections or by ~~a prisoner~~ an inmate in ~~any~~ a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility must be tried exclusively in ~~magistrate’s~~ magistrates court. Matters considered contraband within the meaning of this section are those which are designated as contraband by the Director of the Department of Corrections or by the local facility manager.”

SECTION 39. Section 24‑5‑10 of the 1976 Code is amended to read:

“Section 24‑5‑10. The sheriff ~~shall have~~ has custody of the jail in his county and~~, if he appoint a jailer to keep it, the sheriff shall be~~ is liable for ~~such jailer~~ the facility manager appointed to control and manage it, and the sheriff or ~~jailer~~ facility manager shall receive and safely ~~keep in prison any~~ hold and detain a person delivered or committed to either of them~~, according to law~~ upon presentation of formal charging documents. However, a prisoner who appears to be either severely injured or acutely ill, or who is in a stupor or a coma, even though the apparent cause may be intoxication, must be examined by medical personnel before acceptance or admission to rule out the possibility of brain injury or organic disease as a cause of the apparent disability.”

SECTION 40. Section 24‑5‑12 of the 1976 Code is amended to read:

“Section 24‑5‑12. Notwithstanding the provisions of Section 24‑5‑10 or any other provision of law, the sheriff of any county may, upon approval of the governing body of the county, devolve all of his powers and duties relating to the custody of the county jail and the appointment of a ~~jailer~~ facility manager on the governing body of the county; provided, a sheriff who has been defeated in a primary or general election may not devolve said duties on the governing body of the county. Once a sheriff has devolved these powers and duties to the governing body, custody of the jail shall remain with the governing body unless, by mutual agreement and approval of the sheriff, the governing body devolves its powers and duties relating to the custody of the county jail to the sheriff.”

SECTION 41. Section 24‑5‑20 of the 1976 Code is amended to read:

“Section 24‑5‑20. Except as otherwise provided, every sheriff in this State who ~~does not live in the jail shall employ a proper and discreet person as jailer, who shall live within the jail and who shall not use the house for any other purpose than that for which it was designated by law~~ has control of a jail shall appoint a qualified person as facility manager. This person shall have the control and custody of the jail under the supervision of the sheriff. However, should the sheriff not have control of the jail, then this appointment falls to the chief administrative officer of the county in whose jurisdiction the jail lies.”

SECTION 42. Section 24‑5‑50 of the 1976 Code is amended to read:

“Section 24‑5‑50. All sheriffs or governing bodies that have custody of the jail and ~~jailers~~ their respective facility managers are required to receive and keep securely all persons committed by the coroner as required by law.”

SECTION 43. Section 24‑5‑60 of the 1976 Code is amended to read:

“Section 24‑5‑60. The sheriffs or ~~jailers in~~ governing bodies of the ~~several~~ respective counties of this State shall keep in safe custody all such prisoners as may be committed to them under the authority of the United States until such prisoners are discharged by due course of law of the United States, under the like penalties as in case of prisoners committed under the authority of this State and upon the terms of the resolution of the Congress of the United States at its session begun and ~~holden~~ held on March 4, 1789. The sheriff or governing body may charge a fee for such prisoners pursuant to the terms and conditions set forth in Section 23‑19‑20.”

SECTION 44. Section 24‑5‑80 of the 1976 Code is amended to read:

“Section 24‑5‑80. The governing body of each county in this State shall furnish, at all times, ~~blankets and such other bedding as shall be necessary for prisoners confined in the jail in the county and prisoners confined on a criminal charge shall be provided with at least two blankets in the winter season~~ sufficient food, water, clothing, personal hygiene products, bedding, blankets, cleaning supplies, and shelter from extreme heat or cold or rain for all persons confined in a jail and access to medical care.”

SECTION 45. Section 24‑5‑90 of the 1976 Code is amended to read:

“Section 24‑5‑90. It ~~shall be~~ is unlawful ~~for sheriffs or jailers~~ to ~~make any discrimination~~ discriminate in the treatment of prisoners placed in ~~their~~ the custody of the sheriff or local governing body.

~~Every~~ A violation of this section ~~shall be~~ is a misdemeanor and, upon conviction ~~thereof~~, the person convicted ~~shall~~ must be fined not less than twenty‑five dollars and imprisoned for not ~~less than one month nor~~ more than ~~twelve months~~ one year.”

SECTION 46. Section 24‑5‑110 of the 1976 Code is amended to read:

“Section 24‑5‑110. ~~Every sheriff~~ A facility manager shall make a return to ~~every~~ the court of general sessions of his county on the first day of the term of the name of every prisoner and the time and cause of his confinement, whether civil or criminal. The use of electronic records satisfies this requirement.”

SECTION 47. Section 24‑5‑120 of the 1976 Code is amended to read:

“Section 24‑5‑120. ~~Each sheriff shall~~ A facility manager annually shall report to the governing body of his county the actual condition of the jail, the repairs which may be wanted, and their probable cost.”

SECTION 48. Section 24‑5‑170 of the 1976 Code is amended to read:

“Section 24‑5‑170. When ~~any~~ a person ~~shall be~~ is apprehended or in confinement according to law in ~~any~~ a county in this State ~~wherein~~ where the jail may be destroyed or rendered uninhabitable by fire or other accident, he ~~shall~~ must be committed to the jail nearest to the one destroyed for safekeeping. ~~The several jailers in this State, keepers of the jails nearest to those jails that may be destroyed as aforesaid, shall receive and safely keep such person.~~ However, the jail must have sufficient bed space. If the jail does not have sufficient bed space, then the official in charge of the jail that was destroyed, or rendered uninhabitable shall contact the facility managers of the jails in the nearest proximity and utilize any available resources to receive and keep the prisoners in custody. The facility managers of this State may enter into mutual aid agreements to assist each other in the event of an emergency or as other needs arise. If sufficient resources are not available within the several counties, then the official in charge of the jail that was destroyed or rendered uninhabitable may request the assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.”

SECTION 49. Section 24‑5‑300 of the 1976 Code is amended to read:

“Section 24‑5‑300. For the purposes of this article:

(1) ‘Reserve detention officer’ means a person assigned part‑time ~~jailer or~~ detention officer duties without being regularly assigned to full‑time ~~jailer or~~ detention officer duties and who serves in that capacity without compensation.

(2) ‘Director’ means the detention director, jail administrator, or other manager employed for the operation of a county, municipal, or multi‑jurisdictional local detention facility.

(3) ‘Responsible authority’ means the sheriff, county administrator, mayor, city manager, or other appropriate official who has legal responsibility for the management of a local detention facility within a particular jurisdiction.”

SECTION 50. Section 24‑5‑310 of the 1976 Code is amended to read:

“Section 24‑5‑310. The director, in his discretion, may appoint the number of reserve detention officers approved by the responsible authority, but not exceeding the number of regular full‑time ~~jailers or~~ detention officers funded and employed at the facility, if participation in the reserve detention officer program has been approved by the governing body having jurisdiction over the detention facility. The number of full‑time ~~jailers or~~ detention officers must not be decreased because of the institution or expansion of a reserve force. Each period of time a reserve serves must be determined and specified by the director in writing. The powers and duties of a reserve are subject to the provisions of this article and must be prescribed by the director and approved by the responsible authority.

A reserve is subject to removal by the director at any time. A criminal history inquiry and other appropriate background inquiry must be conducted on an applicant before his selection as a reserve.

Before assuming his duties, a reserve must:

(1) take the oath of office required by law;

(2) be bonded in an amount determined by the governing body of the county, municipality, or other political entity and which must be not less than one thousand five hundred dollars; and

(3) successfully complete the course of training required by this article.”

SECTION 51. Section 24‑5‑320 of the 1976 Code, as last amended by Act 335 of 2008, is further amended to read:

“Section 24‑5‑320. No reserve shall assume a ~~jailer or~~ detention officer function until he has completed successfully a jail preservice training program approved by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 and passed a comprehensive test prepared by the South Carolina Criminal Justice Academy and administered by the director of the local detention facility. Within one year of appointment, a reserve must successfully complete a jail operations training program promulgated by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 in order to be eligible for continuation as a reserve. A reserve who serves more than one year must complete the same annual in‑service training requirements as regular full‑time ~~jailers or~~ detention officers. All training which is provided locally or regionally is subject to review by the South Carolina Law Enforcement Training Council and approval of the South Carolina Criminal Justice Academy.”

SECTION 52. Section 24‑5‑330 of the 1976 Code is amended to read:

“Section 24‑5‑330. Before final acceptance as a reserve, a candidate, at his own expense or through the offices of the doctor of his political entity, shall submit to the director a summary of the results of a current physical examination for the satisfaction of the director concerning physical competence and capability. Other minimum selection standards recognized by law as applicable to full‑time ~~jailers or~~ detention officers also shall apply to reserves.”

SECTION 53. Section 24‑5‑350 of the 1976 Code is amended to read:

“Section 24‑5‑350. A reserve shall serve and function as ~~a jailer or~~ detention officer only on specific orders and directions of the director. To maintain status, a reserve shall perform a minimum logged service time of ten hours a month or thirty hours a quarter.

No reserve detention officer shall perform any jailer or detention officer duties except under the direct supervision of a full‑time ~~jailer or~~ detention officer. A reserve shall not assume full‑time duties of ~~jailers or~~ detention officers without complying with the requirements for full‑time ~~jailers and~~ detention officers.

A department utilizing reserves shall have at least one full‑time officer as a coordinator‑supervisor who must be responsible directly to the director.”

SECTION 54. Section 24‑5‑360 of the 1976 Code, as last amended by Act 335 of 2008, is further amended to read:

“Section 24‑5‑360. A reserve who has been in active status for at least two years and desires to become a full‑time ~~jailer or~~ detention officer, upon application of his director to the South Carolina Criminal Justice Academy and upon completion of other existing requirements, may be accepted at the South Carolina Criminal Justice Academy for additional hours of training required by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23.”

SECTION 55. Section 24‑5‑370 of the 1976 Code is amended to read:

“Section 24‑5‑370. A currently certified full‑time ~~jailer or~~ detention officer who leaves his position under honorable conditions within twelve months, at the request of his director and with the concurrence of the ~~Department of Public Safety,~~ South Carolina Criminal Justice Academy, may be issued a registration card identifying him as a member of the reserve if the use of reserve detention officers has been approved by the responsible authority. The officer is not required to undergo the preliminary training for reserves but is required to have a current physical exam and to continue the same annual in‑service training requirements as regular full‑time ~~jailers or~~ detention officers.”

SECTION 56. Section 24‑5‑380 of the 1976 Code is amended to read:

“Section 24‑5‑380. The uniforms and equipment issued by the political entity shall remain the property of the entity but, in the discretion of the director, may be entrusted to the care and control of the reserve. A reserve shall wear a uniform which will identify him as a ~~jailer or~~ detention officer. Handguns, if issued, must be of a caliber approved by the responsible authority.”

SECTION 57. Section 24‑5‑390 of the 1976 Code is amended to read:

“Section 24‑5‑390. Workers’ Compensation benefits may be provided for reserves by the governing body in the same manner that benefits are provided for full‑time ~~jailers or~~ detention officers.

For purposes of compensation or benefits arising from duty‑related injury or death, reserves must be considered employees of the political entities for which they were appointed and must be included with regular duty ~~jailers or~~ detention officers in the assigned responsibility for prevention, suppression, and control of crime.”

SECTION 58. Section 24‑7‑60 of the 1976 Code is amended to read:

“Section 24‑7‑60. The governing body of the county shall ~~diet~~ feed and provide suitable and ~~efficient guards and appliances~~ sufficient employee supervision for the safekeeping of all ~~convicts upon whom may be imposed sentence of labor on the highways, streets and other public works of the county~~ persons who have received a sentence to public work detail. It shall ~~likewise~~ also provide all necessary ~~tools, implements and road machines~~ equipment and machinery for performing the work required of ~~such convicts~~ inmates, all costs and expenses of which ~~shall~~ must be paid out of the county ~~road~~ general fund in the same manner as other charges against ~~such~~ the fund are paid.”

SECTION 59. Section 24‑7‑110 of the 1976 Code is amended to read:

“Section 24‑7‑110. The governing body of each county shall ~~employ a physician~~ provide medical personnel whenever necessary to render medical aid to sick ~~convicts~~ inmates whether awaiting trial or serving sentence and to preserve the health of the ~~chain gang~~ county jail, detention facility, prison camp, or other such local facility used for the detention of inmates. ~~The fees and expenses of such employment, as well as for medicines prescribed, shall be paid out of the road fund as other claims are paid against such funds.~~”

SECTION 60. Section 24‑7‑120 of the 1976 Code is amended to read:

“Section 24‑7‑120. ~~The municipal authorities of any city or town shall diet and provide suitable and efficient guards and appliances for the safekeeping of all convicts sentenced to labor on the highways, streets and other public works of such city or town and shall provide all necessary tools, implements and road machines for performing the work required of such convicts and pay all costs and expenses thereof.~~  The municipal authority of any city or town which utilizes inmate labor shall feed and provide suitable and sufficient employee supervision for the safekeeping of all persons who have received a sentence to public work detail. It shall likewise provide all necessary equipment and machinery for performing the work required of the inmates, all costs and expenses of which must be paid out of the municipal general fund in the same manner as other charges against these funds are paid.

A municipality may operate its own jail for the purpose of detaining those persons charged with a criminal offense pending release on bond or trial and for the purpose of detaining those individuals who have been tried and convicted of a criminal offense in the municipal court. The governing body of the municipality must provide suitable and sufficient employee supervision and equipment to safely keep all persons charged or detained and must pay all costs and expenses. Where the municipality elects not to operate its own jail, then the municipality may enter into an agreement with other municipalities, preferably in the county of jurisdiction, to operate a joint facility to hold these individuals.

The municipality may also elect, in the alternative, to enter into an agreement with the county governing body in which the municipality is located. The agreement may require the municipality to pay a fee to offset the costs of detaining the offenders to include, but not be limited to, medical care and treatment of the offenders, all lodging and meal expenses, all transportation and security for court appearances, medical appointments, other transportation as may be necessary, and other miscellaneous expenses as may be mutually agreed upon. Those persons so detained must be in the custody of the county official who has custody of the jailor or of the prison camp, as appropriate.

Municipal inmates sentenced to the county jail or prison camp, pursuant to an agreement, must remain in the custody of the county jail or prison camp and must perform labor as assigned by the facility manager.”

SECTION 61. Section 24‑7‑155 of the 1976 Code is amended to read:

“Section 24‑7‑155. It ~~shall be~~ is unlawful for ~~any~~ a person to furnish or attempt to furnish ~~any~~ a prisoner in any county, ~~or~~ municipal, or multi‑jurisdictional jail, prison camp, work camp, or overnight lockup facility with ~~any~~ a matter declared ~~by the superintendent of such facility~~ to be contraband. It ~~shall be~~ is unlawful for ~~any prisoner~~ an inmate of ~~such~~ a facility to possess ~~any~~ a matter declared to be contraband. Matters considered contraband within the meaning of this section ~~shall be~~ are those which are designated as contraband and published by the Department of Corrections as Regulation 33‑1 of the Department of Corrections and ~~such~~ this regulation ~~shall~~ must be displayed ~~by the Superintendent of the facility~~ in a conspicuous place available and visible to visitors and ~~prisoners~~ inmates at ~~such~~ the facility. The facility manager of a local detention facility, with the approval of the sheriff or chief administrative officer as appropriate, may designate additional items as contraband. Notice of the additional items must be displayed with Regulation 33‑1.

~~Any~~ A person violating the provisions of this section ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both.”

SECTION 62. Section 24‑9‑30 of the 1976 Code is amended to read:

“Section 24‑9‑30. ~~(a)~~(A) If an inspection under this chapter discloses that a local confinement facility does not meet the minimum standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, ~~and~~ or the appropriate fire and health codes and regulations, or both, the Director of the South Carolina Department of Corrections shall notify the governing body of the political subdivision responsible for the local confinement facility. ~~A copy of the written reports of the inspections required by this chapter shall also be sent to the resident or presiding judge of the judicial circuit in which the facility is located.~~ The governing body shall promptly meet to consider the inspection reports, and the inspection personnel shall appear, if requested, to advise and consult concerning appropriate corrective action. The governing body shall initiate appropriate corrective action within ninety days or may voluntarily close the local confinement facility or objectionable portion thereof.

~~(b)~~(B) If the governing body fails to initiate corrective action within ninety days after receipt of the reports of the inspections, or fails to correct the disclosed conditions, the Director of the South Carolina Department of Corrections may order that the local confinement facility, or objectionable portion thereof, be closed at such time as the order may designate. However, if the director determines that the public interest is served by permitting the facility to remain open, he may stipulate actions to avoid or delay closing the facility. The governing body and the resident or presiding judge of the judicial circuit shall be notified by ~~registered~~ certified mail of the director’s order closing a local confinement facility.

~~(c)~~(C) The governing body ~~shall have~~ has the right to appeal the director’s order to the resident or presiding judge of the circuit in which the facility is located. Notice of the intention to appeal shall be given by ~~registered~~ certified mail to the Director of the South Carolina Department of Corrections and to the resident or presiding judge within fifteen days after receipt of the director’s order. The right of appeal ~~shall be deemed~~ is waived if notice is not given as ~~herein~~ provided in this section.

~~(d)~~(D) The appeal ~~shall~~ must be heard before the resident or presiding judge of the circuit who shall give reasonable notice of the date, time, and place of the hearing to the Director of the South Carolina Department of Corrections and the governing body concerned. The hearing ~~shall~~ must be conducted without a jury in accordance with the rules and procedures of the Circuit Court. The Department of Corrections, the governing body concerned, other responsible local officials, and fire and health inspection personnel ~~shall~~ have a right to be present at the hearing and present evidence which the court deems appropriate to determine whether the local confinement facility met the required minimum standards, ~~and~~ or appropriate fire and health codes and regulations, or both, on the date of the last inspection. The court may affirm, reverse, or modify the director’s order.”

SECTION 63. Section 24‑9‑35 of the 1976 Code is amended to read:

“Section 24‑9‑35. If ~~any~~ a person dies while ~~being~~ incarcerated ~~in any~~ or in the custody of a municipal, ~~or~~ county, or multi‑jurisdictional overnight lockup or jail, county prison camp, or state correctional facility, the ~~jailer~~ facility manager or any other person physically in charge of the facility at the time death occurs ~~shall~~ immediately shall notify the coroner of the county in which the institution is located. The ~~jailer~~ facility manager or other person in charge also shall ~~also~~ report the death and circumstances surrounding it within seventy‑two hours to the Jail and Prison Inspection Division of the Department of Corrections. The division shall retain a permanent record of ~~such~~ the reports. Reports ~~shall~~ must be made on forms prescribed by the division.

~~Any~~ A person knowingly and ~~willfully~~ wilfully violating the provisions of this section ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be fined not more than one hundred dollars.”

SECTION 64. Section 24‑9‑40 of the 1976 Code is amended to read:

“Section 24‑9‑40. In order to certify compliance with minimum design standards, the Jail and Prison Inspection Division of the Department of Corrections and the State Fire Marshal shall be provided with architectural plans before construction or renovation of any state or local confinement facility. Further, the Jail and Prison Inspection Division shall be notified not less than fifteen days prior to the opening of any state or local prison or detention facility so that inspections and reports may be made. Ninety days prior to the closing of any state or local prison or detention facility, the Division shall be notified by the officials concerned.”

SECTION 65. Section 24‑13‑10 of the 1976 Code is amended to read:

“Section 24‑13‑10 In all prisons and ~~chain gangs~~ local detention facilities in the State, a separation of the sexes ~~shall~~ must be observed at all times ~~observed~~.”

SECTION 66. Section 24‑13‑20 of the 1976 Code is amended to read:

“Section 24‑13‑20. The sheriffs of this State ~~shall,~~ under the penalty ~~herein~~ provided, in this section must arrest in their respective counties, with or without a warrant, all escaped ~~convicts~~ inmates from the State ~~Penitentiary~~ Prisons or from the ~~chain gang or jails~~ local detention facilities found in their respective counties. Upon ~~any such~~ an arrest ~~any such~~ a sheriff ~~shall immediately~~ must notify immediately the proper authority from whose care ~~such convict~~ the inmate escaped. Upon ~~any~~ the ~~willful~~ wilful neglect or failure ~~on the part of any such~~ by a sheriff to comply with the provisions of this section, he ~~shall be~~ is guilty of a misdemeanor and, upon conviction, must be fined in a sum of not more than five hundred dollars nor less than one hundred dollars or be imprisoned for not more than six months or must be ~~both~~ fined and imprisoned, at the discretion of the court.”

SECTION 67. Section 24‑13‑30 of the 1976 Code is amended to read:

“Section 24‑13‑30. ~~Any~~ A person officially charged with the safekeeping of ~~prisoners~~ inmates, ~~when such prisoners~~ whether the inmates are awaiting trial ~~in general sessions court~~ or have been sentenced and confined in ~~any~~ a State~~, county or municipal penal~~ correctional facility, local detention facility, or prison camp or work camp, may use ~~such force as is~~ necessary force to maintain internal order and discipline and to prevent the escape of ~~a prisoner~~ an inmate lawfully in his custody without regard to whether ~~such prisoner~~ the inmate is charged with or convicted of a felony or misdemeanor.”

SECTION 68. Section 24‑13‑40 of the 1976 Code is amended to read:

“Section 24‑13‑40. The computation of the time served by prisoners under sentences imposed by the courts of this State ~~shall~~ must be ~~reckoned~~ calculated from the date of the imposition of the sentence. ~~But when~~ However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served ~~shall~~ must be ~~reckoned~~ calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence ~~shall~~ must be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.”

SECTION 69. Section 24‑13‑50 of the 1976 Code is amended to read:

“Section 24‑13‑50. Every municipal and county ~~official~~ facility manager responsible for the custody of persons convicted of ~~any~~ a criminal offense ~~shall~~ on or before the fifth day of each month must file with the Department of Corrections a written report stating the name, race, age, criminal offense, and date and length of sentence of all prisoners in their custody during the preceding month.”

SECTION 70. Section 24‑13‑80 of the 1976 Code is amended to read:

“Section 24‑13‑80. (A) As used in this section:

(1) ‘Detention facility’ means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) ‘Inmate’ means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) ‘Medical treatment’ means each visit initiated by the inmate to an institutional physician, physician’s extender including a physician’s assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) ‘Administrator’ means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) ‘Director’ means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property wilfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

(2) defray the costs paid by a municipality or county for ~~elective~~ medical ~~treatment~~ services for an inmate, which ~~has~~ have been requested by ~~him~~ the inmate, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate ~~at the inmate’s request~~. If the balance in an inmate’s account is ~~five~~ less than ten dollars ~~or less~~, the fee must not be charged. However, a deficiency balance must be carried forward, and, upon a deposit or credit being made to the inmate’s account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the inmate and may be applied to the inmate’s account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate, upon the inmate’s request, if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.”

SECTION 71. Section 24‑13‑125 of the 1976 Code is amended to read:

“Section 24‑13‑125. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, ~~a prisoner~~ an inmate convicted of a ‘no parole offense’, as defined in Section 24‑13‑100, and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20~~,~~ or Section 24‑3‑30, is not eligible for work release until the ~~prisoner~~ inmate has served not less than eighty percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow ~~a prisoner~~ an inmate convicted of murder or ~~a prisoner~~ an inmate prohibited from participating in work release by another provision of law to be eligible for work release.

(B) If ~~a prisoner~~ an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If ~~a prisoner confined in~~ an inmate sentenced to a local ~~correctional~~ detention facility ~~pursuant to a designated facility agreement~~ or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the ~~department~~ local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the ~~institution~~ local detention facility during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner~~ inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.”

SECTION 72. Section 24‑13‑150 of the 1976 Code is amended to read:

“Section 24‑13‑150. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, ~~a prisoner~~ an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the ~~prisoner~~ inmate has served at least eighty‑five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow ~~a prisoner~~ an inmate convicted of murder or ~~a prisoner~~ an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

(B) If ~~a prisoner~~ an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If ~~a prisoner~~ an inmate ~~confined in~~sentenced to a local ~~correctional~~detention facility ~~pursuant to a designated facility agreement~~or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner~~ inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.”

SECTION 73. Section 24‑13‑210 of the 1976 Code is amended to read:

“Section 24‑13‑210. (A) ~~A prisoner~~ An inmate convicted of an offense against this State, except a ‘no parole offense’ as defined in Section 24‑13‑100, and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) ~~A prisoner~~ An inmate convicted of a ‘no parole offense’ against this State as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no ~~prisoner~~ inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No ~~prisoner~~ inmate convicted of a ‘no parole offense’ is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) ~~A prisoner~~ An inmate convicted of an offense against this State and sentenced to a local ~~correctional~~ detention facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

(D) If ~~a prisoner~~ an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in any facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the ~~institution~~facility during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If ~~a prisoner~~ an inmate ~~confined in~~ sentenced to a local ~~correctional~~ detention facility ~~pursuant to a designated facility agreement~~ or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility that is not under the direct control of the local detention facility, to include a prisoner on a labor crew or any other assigned detail or placement, or a prisoner in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner~~ inmate. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed ~~therefrom~~ for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24‑21‑560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24‑21‑560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole~~,~~ and Pardon Services’ prerelease or community supervision program as provided in Section 24‑21‑560.”

SECTION 74. Section 24‑13‑230 of the 1976 Code is amended to read:

“Section 24‑13‑230. (A) The Director of the Department of Corrections may allow ~~any prisoner in~~ an inmate sentenced to the custody of the department, except ~~a prisoner~~ an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit and education credit is limited to one hundred eighty days.

(B) The Director of the Department of Corrections may allow ~~a prisoner in~~ an inmate sentenced to the custody of the department serving a sentence for a ‘no parole offense’ as defined in Section 24‑13‑100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No prisoner convicted of a “no parole offense” is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. A maximum annual credit for both work credit and education credit is limited to seventy‑two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole, and Pardon Services’ prerelease or community supervision program as provided in Section 24‑21‑560.

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the work credit or education credit he has earned may be forfeited in the discretion of the ~~official having charge of the prisoner~~ Director of the Department of Corrections.

(E) The official in charge of a local detention ~~or correctional~~ facility ~~to which persons convicted of offenses against the State are sentenced shall~~must allow ~~any~~ an inmate ~~serving such a sentence in~~ sentenced to the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention ~~or correctional~~ facility and published by him in a conspicuous place available to inmates.

(F)(1) An individual is ~~only~~ eligible for the educational credits provided for in this section~~,~~ only upon successful participation in an academic, technical, or vocational training program.

(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in Section 16‑1‑60.

(G) The South Carolina Department of Corrections may not pay any tuition for college courses.”

SECTION 75. Section 24‑13‑235 of the 1976 Code is amended to read:

“Section 24‑13‑235. Notwithstanding any other provision of law, the governing body of any county may authorize the sheriff or ~~other official~~ the chief administrative officer, or the equivalent, in charge of ~~county correctional facilities~~ a local detention facility to offer a voluntary program under which any person committed to such facility may perform labor on the public works or ways. The confinement of the person must be reduced by one day for every eight hours of labor on the public works or ways performed by the person. As used in this section, ‘labor on the public works or ways’ means manual labor to improve or maintain public facilities, including, but not limited to, streets, parks, and schools.

The governing body of the county may prescribe reasonable regulations under which ~~such~~ this labor is to be performed and may provide that ~~such~~ these persons wear clothing of a distinctive character while performing ~~such~~ this work.

Nothing contained in this section may be construed to require the sheriff or ~~other such~~ another official to assign labor to a person pursuant to this section if it appears from the record that the person has refused to perform labor as assigned satisfactorily or has not satisfactorily complied with the reasonable regulations governing ~~such~~ this assignment. A person is eligible for supervised work under this section only if the sheriff or other ~~such~~ responsible official concludes that the person is a fit subject ~~therefor~~.

If a court sentences a defendant to a period of confinement of fifteen days or more, the court may restrict or deny the defendant’s eligibility for the supervised work program.

The governing body of the county may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person in the program, according to the person’s ability to pay.”

SECTION 76. Section 24‑13‑260 of the 1976 Code is amended to read:

“Section 24‑13‑260. ~~Any~~ An officer having charge of ~~any such convict~~ an inmate who ~~shall refuse~~ refuses to allow ~~such~~ a deduction in time of serving sentence ~~shall be~~ is guilty of a misdemeanor and ~~shall~~, upon conviction, ~~suffer imprisonment~~ must be imprisoned for not less than thirty days or pay a fine of not less than one hundred dollars.”

SECTION 77. Section 24‑13‑410 of the 1976 Code is amended to read:

“Section 24‑13‑410. (A) It is unlawful for a person, lawfully confined in a prison or ~~upon the public works of a county~~ local detention facility or while in the custody of ~~a superintendent, guard, or~~ an officer~~,~~ or another employee, to escape, to attempt to escape, or to have in his possession tools, ~~or~~ weapons, or other items that ~~which~~ may be used to facilitate an escape.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not less than one year nor more than fifteen years.

(C) The term of imprisonment is consecutive to the original sentence and to other sentences previously imposed upon the escapee by a court of this State.”

SECTION 78. Section 24‑13‑420 of the 1976 Code is amended to read:

“Section 24‑13‑420. (A) It is unlawful for a person, lawfully confined in a prison, local detention facility, or under the supervision of an officer or other employee, whether awaiting trial or serving sentence, to escape, to attempt to escape, or to have in his possession tools, weapons, or other items that may be used to facilitate an escape.

(B) A person who knowingly harbors or employs an escaped ~~convict~~ inmate~~,~~ is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.”

SECTION 79. Section 24‑13‑430 of the 1976 Code is amended to read:

“Section 24‑13‑430. ~~(1)Any~~(A) An inmate of the Department of Corrections~~, city or county jail, or public works of any county that~~ or of a local detention facility who conspires with ~~any other~~ another inmate to incite ~~such~~ the inmate to riot or commit any other acts of violence ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be sentenced in the discretion of the court.

~~(2)~~ ~~Any~~(B) An inmate of the Department of Corrections~~, city or county jail, or public works of any county that~~ or of a local detention facility who participates in a riot or any other acts of violence ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be imprisoned for not less than five years nor more than ten years.”

SECTION 80. Section 24‑13‑440 of the 1976 Code is amended to read:

“Section 24‑13‑440. It is unlawful for an inmate of a state correctional facility~~, city or county jail, or public works of a county~~ or of a local detention facility to carry on his person or to have in his possession a dirk, slingshot, metal knuckles, razor, firearm, or ~~any other deadly weapon~~ an object, homemade or otherwise, ~~which usually is~~ that may be used for the infliction of personal injury upon another person, or to wilfully conceal any weapon within any Department of Corrections facility or other place of confinement.

A person violating this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years. A sentence imposed under this section must be served consecutively to any other sentence the inmate is serving.”

SECTION 81. Section 24‑13‑450 of the 1976 Code is amended to read:

“Section 24‑13‑450. An inmate of a state~~, county, or city~~ correctional facility, a local detention facility, or a private entity that contracts with a state, county, or city to provide care and custody of inmates, including persons in safekeeper status, acting alone or in concert with others, who by threats, coercion, intimidation, or physical force takes, holds, decoys, or carries away any person as a hostage or for any other reason ~~whatsoever shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be imprisoned for a term of not less than five years nor more than thirty years. This sentence ~~shall~~ must not be served concurrently with any sentence being served at the time the offense is committed.”

SECTION 82. Section 24‑13‑460 of the 1976 Code is amended to read:

“Section 24‑13‑460. It ~~shall be~~ is unlawful for ~~any~~ a person in this State to furnish ~~any~~ a prisoner in a ~~jail or on a chain gang~~ local detention facility any alcoholic beverages or narcotic drugs, including prescription medications and controlled substances that have not been issued legally to the prisoner. ~~Anyone~~ A person violating the provisions of this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction, ~~thereof shall~~ must be punished by a fine of five hundred dollars, or imprisonment for six months, or both.”

SECTION 83. Section 24‑13‑470 of the 1976 Code is amended to read:

“Section 24‑13‑470. (A) An inmate, a detainee, a person taken into custody, or a person under arrest, who attempts to throw or throws body fluids including, but not limited to, urine, blood, feces, vomit, saliva, or semen on an employee of a state ~~or local~~ correctional facility or local detention facility, a state or local law enforcement officer, a visitor of a state correctional facility or local detention facility, or any other person authorized to be present in a state correctional facility or local detention facility in an official capacity is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. A sentence under this provision must be served consecutively to any other sentence the inmate is serving. This section shall not prohibit the prosecution of an inmate for a more serious offense if the inmate is determined to be HIV‑positive or has another disease that may be transmitted through body fluids.

(B) A person accused of a crime contained in this section may be tested for a blood borne disease within seventy‑two hours of the crime if a health care professional believes that exposure to the accused person’s body fluid may pose a significant health risk to a victim of the crime.

(C) This section does not apply to a person who is a “patient” as defined in Section 44‑23‑10(3).

~~(D) For purposes of this section, “local correctional facility” includes, but is not limited to, a local detention facility.~~”

SECTION 84. Section 24‑13‑640 of the 1976 Code is amended to read:

“Section 24‑13‑640. Notwithstanding any other provision of law, any state or local prisoner who is not in the highest trusty grade and who is assigned to a work detail outside the confines of any state correctional facility ~~shall~~or local detention facility must wear a statewide uniform. The uniform must be of such a design and color as to easily be identified as a prisoner’s uniform and stripes must be used in the design. The Department of Corrections Division of Prison Industries ~~shall~~must manufacture the statewide uniform and make it available for sale to the local detention facilities. The ~~director~~ Director of the Department of Corrections may determine, in his discretion, that the provisions of this section do not apply to certain prisoners.”

SECTION 85. Section 24‑13‑660 of the 1976 Code is amended to read:

“Section 24‑13‑660. (A) A criminal offender committed to incarceration anywhere in this State may be required by prison or jail officials to perform public service work or related activities while under the supervision of appropriate employees of a federal, state, county, or municipal agency, or of a regional governmental entity or special purpose district. Prison or jail officials shall make available each inmate who is assigned to the program for transportation to his place of work on all days when work is scheduled and shall receive each inmate back into confinement at the respective facility after work is concluded. This public service work is considered to be a contribution by the inmate toward the cost of his incarceration and does not entitle him to additional compensation.

(B) No offender may be allowed to participate in these public service work activities unless he first is properly classified and approved to be outside the prison or jail without armed escort.

(C) The public service work requirement in subsection (A) operates only when adequate supervision and accountability can be provided by the agency, entity, district, or organization which is responsible for the work or related activity. The types of public service work permitted to be performed include, but are not limited to, litter control, road and infrastructure repair, and emergency relief activities.

(D) The South Carolina Department of Corrections may enter into a contractual agreement with any federal, state, county, or municipal agency, or with any regional governmental entity or public service district, to provide public service work or related activities through the use of inmate labor under authorized circumstances and conditions. A county municipal, or multi‑jurisdictional jail, detention facility, or prison camp also may provide public service work or related activities through the use of inmate labor in accordance with the Minimum Standards for Local Detention Facilities in South Carolina and with applicable statutes and ordinances.

(E) It is the policy of this State and its subdivisions to utilize criminal offenders for public service work or related activities whenever it is practical and is consistent with public safety. All eligible agencies, entities, districts, and organizations are encouraged to participate by using a labor force that can be adequately supervised and for which public service work or related activities are available.

(F) Nothing in this section may be construed to prohibit or otherwise to limit the use of inmate labor by the South Carolina Department of Corrections within its own facilities or on its own property, or by any ~~jail or camp~~local governing body within its own facilities or on its own property. Further, nothing in this section prevents the South Carolina Department of Corrections or a local detention facility from escorting and supervising any inmate for a public purpose when the department or the local detention facility provides its own security.”

SECTION 86. Section 24‑13‑910 of the 1976 Code is amended to read:

“Section 24‑13‑910. Beginning January 1, 1988, local governing bodies may establish regulations consistent with regulations of the Department of Corrections, and administer a program under which a person convicted of an offense against this State or other local jurisdiction and confined in a local ~~correctional facilities~~ detention facility, or punished for contempt of court in violation of Section 63-3-620 and confined in a local ~~correctional~~ detention facility may, upon sentencing, and while continuing to be confined in the facility at all times other than when the prisoner is either seeking employment, working, attending his education, or traveling to or from the work or education location, be allowed to seek work and to work at paid employment in the community, be assigned to public works employment, or continue his education. Each governing body shall designate the sheriff, ~~or another official~~ the chief administrative officer, or the equivalent, as the official in charge. A person sentenced under these provisions is eligible for programs under this article except that a person punished for a violation of Section 63-3-620 is eligible for these programs only upon a finding by the sentencing judge that he is eligible.”

SECTION 87. Section 24‑13‑915 of the 1976 Code is amended to read:

“Section 24‑13‑915. Wherever in the Code of Laws of South Carolina, 1976, as amended, a reference is made to a local ~~correctional~~ detention facility, it ~~shall mean~~ means a county, ~~or~~ municipal, ~~correctional~~ or multi‑jurisdictional detention facility.”

SECTION 88. Section 24‑13‑940 of the 1976 Code is amended to read:

“Section 24‑13‑940. The official administering the work/punishment program may contract with the South Carolina Department of Corrections or with other governmental bodies to allow inmates committed to serve sentences in the custody of the department or in other local ~~correctional~~ detention facilities to participate in the program and be confined in the local ~~correctional institution~~ detention facility of the receiving official.”

SECTION 89. Section 24‑13‑1540 of the 1976 Code is amended to read:

“Section 24‑13‑1540. If a department desires to implement a home detention program, it must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate. These regulations must require that the participant remain within the interior premises or within the property boundaries of his residence at all times during the hours designated by the department. Approved absences from the home for a participant may include:

(1) hours in employment approved by the department or traveling to or from approved employment;

(2) time seeking employment approved for the participant by the department;

(3) medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the department;

(4) attendance at an educational institution or a program approved for the participant by the department;

(5) attendance at a regularly scheduled religious service at a place of worship approved by the department; or

(6) participation in a community work ~~release~~ punishment or community service program approved by the department.”

SECTION 90. Section 16‑7‑140 of the 1976 Code is amended to read:

“Section 16‑7‑140. ~~Any~~ A person who violates any provision of Sections 16‑7‑110 and 16‑7‑120 ~~shall be~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be punished by a fine of not more than five hundred dollars or by imprisonment ~~in the county jail~~ for a period not to exceed twelve months.”

SECTION 91. Section 63-3-620 of the 1976 Code, as last amended by Act 550 of 1990, is further amended to read:

“Section 63-3-620. An adult who wilfully violates, neglects, or refuses to obey or perform a lawful order of the court, or who violates any provision of this chapter, may be proceeded against for contempt of court. An adult found in contempt of court may be punished by a fine, by a public ~~work~~ works sentence, or by imprisonment in a local ~~correctional~~ detention facility, or by any combination of them, in the discretion of the court, but not to exceed imprisonment in a local ~~correctional~~ detention facility for one year, a fine of fifteen hundred dollars, or public ~~work~~ works sentence of more than three hundred hours, or any combination of them. An adult sentenced to a term of imprisonment under this section may earn good time credits pursuant to Section 24‑13‑210 and work credits pursuant to Section 24‑13‑230 and may participate in a work/punishment program pursuant to Section 24‑13‑910 ~~unless his participation in any of these programs is prohibited by order of the sentencing judge~~.”

SECTION 92. Sections 24‑3‑150, 24‑3‑200, 24‑5‑30, 24‑5‑70, 24‑5‑100, 24‑5‑140, 24‑5‑150, 24‑5‑160, 24‑7‑70, 24‑7‑80, 24‑7‑130, 24‑7‑140, and 24‑7‑150 are repealed.

SECTION 93. The repeal or amendment by this act 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 94. Chapter 5, Title 24 of the 1976 Code is amended by adding:

“Article 2

Local Detention Facility Mutual Aid and Assistance Act

Section 24‑5‑200. This article may be cited as the ‘Local Detention Facility Mutual Aid and Assistance Act’.

Section 24‑5‑210. (A) For purposes of this article, ‘local detention facility’ means a municipal, county, or multi‑jurisdictional jail, prison camp, or overnight lockup used for the detention of persons charged with or convicted of a felony, misdemeanor, local ordinance, or violation of a court order.

(B) There is a need for the safe and secure housing of inmates, and there may be situations where inmates need to be temporarily housed in other local detention facilities in order to maintain the public peace, safety, and welfare. Therefore, local detention facilities of this State are authorized to enter into mutual aid and assistance agreements with other local detention facilities as may be necessary.

(C) The facility manager, with the approval and consent of the local governing body, may provide this assistance while acting in accordance with the policies, ordinances, and procedures set forth by the governing body of the providing local detention facility. If sufficient resources are not available within the several counties, officials responsible for the requesting local detention facility may seek assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.

Section 24‑5‑220. (A) Mutual aid and assistance agreements may include, but are not limited to, the following:

(1) statement of the services to be provided;

(2) arrangements for the use of equipment and facilities;

(3) records to be maintained on behalf of the receiving local detention facility;

(4) authority of the providing facility manager to maintain control over the receiving local detention facility’s inmates or other personnel;

(5) terms of financial agreements between the parties;

(6) duration, modification, and termination of the agreement; and

(7) legal contingencies for any lawsuits or the payment of damages that arise from the provided services.

(B) Nothing in this article requires a local detention facility to have a written mutual aid and assistance agreement, nor does it preclude mutual aid to take place absent a written agreement in the case of an emergency.

Section 24‑5‑230. (A) The provisions of this article shall not conflict with any existing mutual aid and assistance agreements or contracts between local detention facilities.

(B) Nothing in this article may be construed to alter, amend, or affect any rights, duties, or responsibilities of law enforcement authorities established by the Constitution or laws of this State, or by ordinance of local governing bodies, except as expressly provided for in this chapter.”

SECTION 95. Section 24‑21‑560(D) of the 1976 Code is amended to read:

“(D) If a prisoner’s community supervision is revoked by the court and the court imposes a period of incarceration for the revocation, the prisoner also must complete a community supervision program of up to two years as determined by the department pursuant to subsection (B) when he is released from incarceration.

A prisoner who is sentenced for successive revocations of the community supervision program may be required to serve terms of incarceration for successive revocations, as provided in Section 24‑21‑560(C), and may be required to serve additional periods of community supervision for successive revocations, as provided in Section 24‑21‑560(D). ~~The maximum aggregate amount of time the prisoner may be required to serve when sentenced for successive revocations may not exceed an amount of time equal to the length of incarceration imposed for the original “no parole offense”.~~ The maximum aggregate amount of time a prisoner may be required to serve when sentenced for successive revocations may not exceed an amount of time equal to the length of incarceration imposed limited by the amount of time remaining on the original ‘no parole offense’. The prisoner must not be incarcerated for a period longer than the original sentence. The original term of incarceration does not include any portion of a suspended sentence.

If a prisoner’s community supervision is revoked due to a conviction for another offense, the prisoner must complete a community supervision program of up to two continuous years as determined by the department after the prisoner has completed the service of the sentence for the community supervision revocation and any other term of imprisonment which may have been imposed for the criminal offense, except when the subsequent sentence is death or life imprisonment.”

SECTION 96. If any section, subsection, 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, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 97. This act takes effect upon approval by the Governor.

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