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Indicates New Matter

COMMITTEE REPORT

March 11, 2009

**S. 218**

Introduced by Senators Fair and Leventis

S. Printed 3/11/09--S.

Read the first time January 13, 2009.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 218) to amend Sections 24‑13‑210 and 24‑13‑230, both as amended, Code of Laws of South Carolina, 1976, relating to good behavior, etc., respectfully

**REPORT:**

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

MICHAEL L. FAIR for Committee.

**A** **BILL**

TO AMEND SECTIONS 24‑13‑210 AND 24‑13‑230, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GOOD BEHAVIOR, WORK, AND ACADEMIC CREDITS, SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO ESTABLISH POLICIES AND PROCEDURES TO RESTORE TO AN INMATE GOOD‑TIME CREDIT LOST FOR A DISCIPLINARY ACTION IF THE INMATE IS NOT FOUND GUILTY OF A SUBSEQUENT DISCIPLINARY ACTION, TO ALLOW THE DIRECTOR TO AWARD GOOD‑TIME CREDIT TO AN INMATE WHO PERFORMS CERTAIN MERITORIOUS ACTS, AND TO PROVIDE THAT THE DIRECTOR MUST ESTABLISH POLICIES AND PROCEDURES TO ALLOW CERTAIN PRISONERS WHO ARE ENROLLED IN CERTAIN PROGRAMS THAT INCLUDE SELF‑HELP PROGRAMS TO RECEIVE A REDUCTION IN THEIR SENTENCES; TO AMEND SECTION 24‑27‑200, RELATING TO THE FORFEITURE OF WORK, EDUCATION, OR GOOD CONDUCT CREDITS, SO AS TO PROVIDE THAT A REDUCTION IN THESE CREDITS MAY BE IMPLEMENTED PURSUANT TO AN ADMINISTRATIVE LAW JUDGE’S RECOMMENDATION; AND TO AMEND SECTION 30‑4‑40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT CERTAIN ARCHITECTURAL PLANS, DRAWINGS, OR SCHEMATICS OR LAW ENFORCEMENT POLICIES WHOSE DISCLOSURE WOULD REASONABLY BE USED TO FACILITATE AN ESCAPE FROM LAWFUL CUSTODY MAY BE EXEMPT FROM DISCLOSURE.

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

SECTION 1. Section 24‑13‑210 of the 1976 Code, as last amended by Act 83 of 1995, is further amended to read:

“Section 24‑13‑210. (A) A prisoner 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 serving time in a local facility pursuant to a designated facility agreement authorized by 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 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 serving time in a local facility pursuant to a designated facility agreement authorized by 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 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. 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 convicted of an offense against this State and sentenced to a local correctional 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 confined in a facility of the department 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 Director of the Department of Corrections. If a prisoner confined in a local correctional facility pursuant to a designated facility agreement 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. 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.

(G) The director may establish policies and procedures to restore to an inmate one‑half of the good‑time credit lost for a disciplinary infraction if the inmate is not found guilty of a subsequent disciplinary infraction for three hundred sixty‑five days from the date of his last adjudication of guilt of a disciplinary infraction. An inmate released as a result of the restoration of good‑time credit does not have a cause of action against the department for false imprisonment.

(H) The director, in his discretion, may award up to one hundred eighty days of good‑time credit to an inmate who performs a particularly meritorious act which results in the reduction or avoidance of serious injury or death of any employee, civilian, or member of the public while risking his own life or health. However, the inmate’s sentence may not be reduced to a level below that required by law to be served.”

SECTION 2. Section 24‑13‑230(A) of the 1976 Code is amended to read:

“(A) The Director of the Department of Corrections ~~may~~ must establish policy and procedures to allow any prisoner in the custody of the department, except a prisoner convicted of a ‘no parole offense’ as defined in Section 24‑13‑100, who is assigned to a productive duty assignment or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, or is participating in self‑improvement programs, which may include counseling, substance abuse programs, religious programs, or recommended health improvement programs, 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, and self‑improvement credit is limited to one hundred eighty days.”

SECTION 3. Section 24‑27‑200 of the 1976 Code is amended to read:

“Section 24‑27‑200. A prisoner shall forfeit all or part of his earned work, education, or good conduct credits in an amount to be determined by the Department of Corrections upon recommendation of the court, to include the administrative law court, if the court finds that the prisoner has done any of the following in a case pertaining to his incarceration or apprehension filed by him in state or federal court or in an administrative proceeding while incarcerated:

(1) submitted a malicious or frivolous claim, or one that is intended solely to harass the party filed against;

(2) testified falsely or otherwise presented false evidence or information to the court;

(3) unreasonably expanded or delayed a proceeding; or

(4) abused the discovery process.

The court may make such findings on its own motion, on motion of counsel for the defendant, or on motion of the Attorney General, who is authorized to appear in the proceeding, if he elects, in order to move for the findings in a case in which the State or any public entity or official is a defendant.”

SECTION 4. Section 30‑4‑40(a) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) Architectural plans, drawings, or schematics or law enforcement policies whose disclosure reasonably would be used to facilitate an escape from lawful custody.”

SECTION 5. This act takes effect upon approval by the Governor.

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