~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2009

**H. 3252**

Introduced by Rep. Sellers

S. Printed 4/22/09--H.

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3252) to amend Section 56‑1‑745, Code of Laws of South Carolina, 1976, relating to mandatory suspension of a person’s driver’s license for certain controlled substance convictions, 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 56‑1‑745, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY SUSPENSION OF A PERSON’S DRIVER’S LICENSE FOR CERTAIN CONTROLLED SUBSTANCE CONVICTIONS, SO AS TO PROVIDE THAT DRIVER’S LICENSE SUSPENSION UNDER THESE CIRCUMSTANCES IS IN THE DISCRETION OF THE JUDGE.

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

SECTION 1. Section 56‑1‑745(A) of the 1976 Code is amended to read:

“(A) The driver’s license of a person convicted of a controlled substance violation involving hashish or marijuana ~~must~~may be suspended for a period of six months, in the discretion of the judge. The driver’s license of a person convicted of any other controlled substance violation ~~must~~may be suspended for a period of one year, in the discretion of the judge. If the person does not have a driver’s license, the court ~~shall~~may order the Department of Motor Vehicles not to issue a driver’s license for six months after the person legally is eligible for the issuance of a driver’s license if the offense involves hashish or marijuana. If the offense involves any other controlled substance, the court ~~shall~~may order the department not to issue a driver’s license for one year after the person legally is eligible for the issuance of a driver’s license. For each subsequent conviction ~~under~~pursuant to this section, the court ~~shall~~may order the driver’s license to be suspended for an additional six months or one year, as ~~the case may be~~provided in this section. The additional period of suspension for a subsequent offense runs consecutively and does not commence until the expiration of the suspension for the prior offense.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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