**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4469**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.R. Smith

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Burglary second offense

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 52](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 52](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4469_20111129.docx)

**A** **BILL**

TO AMEND SECTION 16‑11‑312, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BURGLARY IN THE SECOND DEGREE, SO AS TO PROVIDE MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR SECOND OFFENSE BURGLARY IN THE SECOND DEGREE OFFENSES.

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

SECTION 1. Section 16‑11‑312(C) of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“(C)(1) A person who commits burglary in the second degree pursuant to subsection (A) is guilty of a felony ~~punishable by imprisonment for not more than ten years~~ and, upon conviction, must be imprisoned for:

(a) not more than ten years for a first offense; and

(b) a mandatory minimum of three years but not more than ten years for a second offense.

(2) A person who commits burglary in the second degree pursuant to subsection (B) is guilty of a felony ~~punishable by imprisonment for not more than fifteen years,~~ and, upon conviction, must be imprisoned for:

(a) not more than fifteen years; and

(b) a mandatory minimum of five years but not more than fifteen years for a second offense.

Provided, ~~that~~ no person convicted of burglary in the second degree pursuant to subsection (B) shall be eligible for parole except upon service of not less than one‑third of the term of the sentence.

(3) No part of the mandatory minimum term of imprisonment provided in this subsection may be suspended nor probation granted.”

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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