**South Carolina General Assembly**

119th Session, 2011-2012

**A238, R298, H4473**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse, Brady and Neilson

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Introduced in the House on January 10, 2012

Introduced in the Senate on March 6, 2012

Last Amended on June 7, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Legal custody or placement of a child prohibited to a person on sex offender registry

**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 53](file:///h%3A%5Chj%20archive%5C2012%5C01-10-12.docx))

 1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 53](file:///h%3A%5Chj%20archive%5C2012%5C01-10-12.docx))

 1/11/2012 House Member(s) request name added as sponsor: Brady

 2/23/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 4](file:///h%3A%5Chj%20archive%5C2012%5C02-23-12.docx))

 2/24/2012 Scrivener's error corrected

 2/28/2012 House Member(s) request name added as sponsor: Neilson

 2/29/2012 House Amended ([House Journal‑page 125](file:///h%3A%5Chj%20archive%5C2012%5C02-29-12.docx))

 2/29/2012 House Read second time ([House Journal‑page 125](file:///h%3A%5Chj%20archive%5C2012%5C02-29-12.docx))

 2/29/2012 House Roll call Yeas‑115 Nays‑0 ([House Journal‑page 127](file:///h%3A%5Chj%20archive%5C2012%5C02-29-12.docx))

 3/1/2012 House Read third time and sent to Senate ([House Journal‑page 24](file:///h%3A%5Chj%20archive%5C2012%5C03-01-12.docx))

 3/6/2012 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C03-06-12.docx))

 3/6/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C03-06-12.docx))

 3/13/2012 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

 4/25/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 20](file:///h%3A%5Csj%20archive%5C2012%5C04-25-12.docx))

 4/26/2012 Scrivener's error corrected

 6/6/2012 Senate Read second time ([Senate Journal‑page 117](file:///h%3A%5Csj%20archive%5C2012%5C06-06-12.docx))

 6/7/2012 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 144](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 144](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 144](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 House Concurred in Senate amendment and enrolled

 6/7/2012 House Roll call Yeas‑93 Nays‑0

 6/12/2012 Ratified R 298

 6/18/2012 Signed By Governor

 6/20/2012 Effective date 06/18/12

 6/26/2012 Act No. 238

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p%3A%5Cpprever%5C2011-12%5C4473_20111129.docx)

[2/23/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120223.docx)

[2/24/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120224.docx)

[2/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120229.docx)

[4/25/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120425.docx)

[4/26/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120426.docx)

[6/7/2012](file:///p%3A%5Cpprever%5C2011-12%5C4473_20120607.docx)

(A238, R298, H4473)

**AN ACT TO AMEND SECTION 63-7-2340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINGERPRINT REVIEWS OF POTENTIAL FOSTER PARENTS, SO AS TO PROVIDE THAT A PERSON WHO IS APPLYING FOR APPROVAL FOR ADOPTION PLACEMENT ALSO MUST UNDERGO A FINGERPRINT REVIEW; TO AMEND SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY USE FUNDS APPROPRIATED FOR FOSTER CARE TO PAY FOR FINGERPRINT REVIEWS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION FOR FOSTER CARE FAMILIES RECRUITED AND SELECTED AS POTENTIAL FOSTER CARE AND ADOPTIVE FAMILIES FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE OR FOR ADOPTION PLACEMENT WITH A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES OR IF A PERSON RESIDING IN THE HOME WHO IS EIGHTEEN YEARS OF AGE OR OLDER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES.**

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

**Children’s Code, fingerprint reviews before adoption placement**

SECTION 1. Section 63‑7‑2340 of the 1976 Code is amended to read:

 “Section 63‑7‑2340. (A) A person applying for licensure as a foster parent or for approval for adoption placement and a person eighteen years of age or older, residing in a home in which a person has applied to be licensed as a foster parent or an approved adoption placement, must undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprinting review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

 (B) Any fee charged by the Federal Bureau of Investigation for the fingerprint review must be paid by the individual.”

**Children’s Code, fingerprint review costs**

SECTION 2. Section 63‑7‑2345 of the 1976 Code is amended to read:

 “Section 63‑7‑2345. Notwithstanding the provisions of Section 63‑7‑2350, the department is authorized to pay from funds appropriated for foster care the costs of Federal Bureau of Investigation fingerprint reviews for foster care families recruited and selected as potential adoption and foster care providers for children in the custody of the department.”

**Children’s Code, restrictions on foster care and adoption placement with persons convicted of certain offenses**

SECTION 3. Section 63‑7‑2350 of the 1976 Code is amended to read:

 “Section 63‑7‑2350. (A) No child in the custody of the Department of Social Services may be placed in foster care or for adoption with a person if the person or anyone eighteen years of age or older residing in the home:

 (1) has a substantiated history of child abuse or neglect; or

 (2) has pled guilty or nolo contendere to or has been convicted of:

 (a) an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16;

 (b) an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16;

 (c) contributing to the delinquency of a minor as provided for in Section 16‑17‑490;

 (d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

 (e) criminal domestic violence as defined in Section 16‑25‑20;

 (f) criminal domestic violence of a high and aggravated nature as defined in Section 16‑25‑65;

 (g) a felony drug‑related offense under the laws of this State;

 (h) unlawful conduct toward a child as provided for in Section 63‑5‑70;

 (i) cruelty to children as provided for in Section 63‑5‑80;

 (j) child endangerment as provided for in Section 56‑5‑2947; or

 (k) criminal sexual conduct with a minor in the first degree as provided for in Section 16‑3‑655(A).

 (B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

 (C) This section does not prevent foster care placement or adoption placement when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person’s pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.”

**Savings clause**

SECTION 4. 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.

**Time effective**

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

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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