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Indicates New Matter

The House assembled at 10;00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 58:8: “Then your light shall break forth like the dawn.”

Let us pray. Merciful Lord, with Your spirit, guide these Representatives in doing their work. Preserve and protect them in times of decision and give them the power and the strength to carry out Your work in this place. Bless our Nation, President, State, Governor, Speaker, and all who support these Members. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. Hear us, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. MURPHY moved that when the House adjourns, it adjourn in memory of William Thomas McQueeney of Charleston, which was agreed to.

**INVITATIONS**

On motion of Rep. BARFIELD, with unanimous consent, the following were taken up for immediate consideration and accepted:

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Association of Municipal Power Systems, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 12, 2011, from 6:00 p.m. to 8:00 p.m. at the Clarion Town House Hotel.

Sincerely,

Miriam O. Hair

Executive Director

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Dental Association, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 6, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Heather Smith

Director of Legislative Affairs

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Apartment Association, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, April 6, 2011, from 12:00 p.m. to 2:00 p.m. in Room 112 of the Blatt Building.

Sincerely,

Ashley Smith Hunter

Vice President of Governmental Affairs

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Governor’s School for Science and Mathematics, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 7, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Kim Bowman

CEO, GSSM Foundation

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina State Chapters of Zeta Phi Beta Sorority, Inc., the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 28, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Yvonne Jefferson Barnes, Ed.D., Ph.D.

Chairperson, Social Action Committee

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the American Institute of Architects - SC Chapter, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 13, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Adrienne Montare, AIA

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of Nationwide Mutual Insurance Company, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 12, 2011, from 5:00 p.m. to 7:00 p.m. at the Capitol City Club.

Sincerely,

Kelly Sullivan

Regional Assistant General Counsel

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Palmetto Agribusiness Council, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 14, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Cathy B. Novinger

Executive Director

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Hospitality Association of South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, April 13, 2011, from 12:00 p.m. to 2:00 p.m. on the State House Grounds.

Sincerely,

Douglas O’Flaherty

Director of Operations

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Beer Wholesalers Association, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, April 27, 2011, from 5:00 p.m. to 7:00 p.m. at the South Carolina Beer Wholesalers Association office located at 1114 College St., Columbia, South Carolina.

Sincerely,

Jimmy Yahnis

Chairman

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Jasper County Chamber of Commerce, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, April 27, 2011, from 12:00 p.m. to 2:00 p.m. on the State House Grounds.

Sincerely,

Kendall Malphrus

Executive Director

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of The Citadel Alumni Association, the Members and guests of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 5, 2011, from 6:00 p.m. to 8:00 p.m. at the Americraft-Cantey Building at the State Fairgrounds.

Sincerely,

Sara A. Roth

Assistant Director

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of The South Carolina Junior Golf Association, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, April 13, 2011, from 6:00 p.m. to 8:00 p.m. at the Clarion Town House Hotel.

Also, the Members of the House of Representatives are invited to our Legislative Classic Golf Tournament. This event will be held on Thursday, April 14, 2011, beginning at 1:00 p.m. at the Woodlands Country Club.

Sincerely,

Joseph A. Quick

Director of Development

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Florence County Economic Development Partnership, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 26, 2011, from 6:00 p.m. to 8:00 p.m. at the Columbia Museum of Art.

Sincerely,

Katie M. Wyllie

Communications & Membership Relations Manager

March 22, 2011

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Commission for the Blind, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 27, 2011, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Elizabeth A. May

Chairperson

**REPORTS OF STANDING COMMITTEES**

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3977 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3978 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG VALLEY FORGE ROAD IN HORRY COUNTY LOCATED BETWEEN ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 410 AND LOUISVILLE ROAD "ELISHA TYLER MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "ELISHA TYLER MEMORIAL BRIDGE".

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3748 -- Reps. Owens, Bowen, Erickson, Daning, Whitmire, Spires, McCoy, Loftis, Gambrell, Lucas, Skelton, Bingham, Thayer, Hardwick, Harrell, Crosby, Battle, Sottile, Patrick, Clemmons, Cole, Forrester, Hamilton, Henderson, Hixon, Huggins, Murphy, J. M. Neal, Pinson, Pope, G. R. Smith, Stringer, Tallon, White, Willis and Taylor: A BILL TO AMEND SECTION 59-59-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO EXTEND THE DATE BY WHICH THE ACT MUST BE IMPLEMENTED FULLY.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3013 -- Reps. Cooper, Ballentine, Allison, G. R. Smith, Hamilton and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1125 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT IS EXEMPT FROM STATE STATUTES AND REGULATIONS PROMULGATED BY THE STATE BOARD UPON MEETING CERTAIN CONDITIONS, TO REQUIRE THE DISTRICT TO APPLY TO THE STATE BOARD FOR EXEMPTION FROM SPECIFIC STATUTES AND REGULATIONS, TO SPECIFY WHAT THE APPLICATION MUST INCLUDE, TO SPECIFY HOW THE APPLICATION MUST BE MADE, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND PROMULGATE REGULATIONS REGARDING APPLICATION PROCEDURES, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT THAT RECEIVES AN EXEMPTION MUST BE EVALUATED BY THE STATE BOARD AFTER THREE YEARS TO ENSURE THAT IT CONTINUES TO MEET THE NEEDS OF THE STUDENTS OF THE DISTRICT, AND TO PROVIDE FOR SUSPENSION OF THE EXEMPTION UPON CERTAIN CONDITIONS; AND TO REPEAL SECTIONS 59-18-1110 AND 59-18-1120, BOTH RELATING TO EXEMPTION FROM REGULATION.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56-3-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER'S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO-MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY'S PRIMARY ENTRANCE AND NOT FROM THE OWNER'S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM "GATED COMMUNITY", AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3124 -- Reps. Pitts and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DISTINGUISHED SERVICE MEDAL" SPECIAL LICENSE PLATES, "SECOND AMENDMENT" SPECIAL LICENSE PLATES, "DISTINGUISHED SERVICE CROSS" SPECIAL LICENSE PLATES, "DEPARTMENT OF NAVY" SPECIAL LICENSE PLATES, "PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS" SPECIAL LICENSE PLATES, "STATE FLAG" SPECIAL LICENSE PLATES, "SOUTH CAROLINA HIGHWAY PATROL-RETIRED" LICENSE PLATES, "I SUPPORT LIBRARIES" SPECIAL LICENSE PLATES, "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES, "COON HUNTERS" LICENSE PLATES, "BEACH MUSIC" SPECIAL LICENSE PLATES, "CITADEL ALUMNI ASSOCIATION 'BIG RED'" SPECIAL LICENSE PLATES, "LARGE MOUTH BASS" SPECIAL LICENSE PLATES, "HIGH SCHOOL" SPECIAL LICENSE PLATES, "SOUTH CAROLINA WILDLIFE FEDERATION" SPECIAL LICENSE PLATES AND "HISTORIC" SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-7330, RELATING TO THE ISSUANCE OF "BOY SCOUTS OF AMERICA" SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF "EAGLE SCOUTS OF AMERICA" SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56-3-1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-3-10410, RELATING TO THE ISSUANCE OF "VETERAN" SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN "VETERAN" LICENSE PLATES; TO AMEND SECTION 56-3-3310, AS AMENDED, RELATING TO THE ISSUANCE OF "PURPLE HEART" SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56-3-8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT'S USE OF THE ORGANIZATION'S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56-3-8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3431 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JOHN'S LAW" BY ADDING SECTION 57-1-80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ITS LIST OF RAILROAD CROSSINGS AT WHICH IT PLANS TO INSTALL CROSSING ARMS, PLACE TRAFFIC STOP SIGNS AT DANGEROUS CROSSING LOCATIONS UNTIL CROSSING ARMS ARE INSTALLED, AND INCREASE THE NUMBER OF INSTALLATIONS OF CROSSING ARMS AT DANGEROUS RAILROAD CROSSINGS THROUGHOUT THE STATE.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

S. 38 -- Senators McConnell, L. Martin and Campsen: A BILL TO AMEND SECTION 56-19-240 OF THE 1976 CODE, RELATING TO THE FORM AND CONTENT OF APPLICATIONS FOR VEHICLE TITLES, TO PROVIDE THAT THE APPLICANT MUST PROVIDE WITH THE APPLICATION A VALID DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE APPLICANT IS AN INDIVIDUAL, TO PROVIDE THAT THE APPLICANT MUST PROVIDE A SOCIAL SECURITY NUMBER FOR A SOLE PROPRIETOR OR FEDERAL EMPLOYER IDENTIFICATION NUMBER AND THE PHYSICAL ADDRESS OF THE BONA FIDE PLACE OF BUSINESS IF THE APPLICANT IS A BUSINESS, AND TO PROHIBIT TITLING VEHICLES PURCHASED FOR OPERATION IN A FOREIGN JURISDICTION.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 3731 -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R. L. Brown, Crosby, Long, Taylor and Willis: A BILL TO AMEND SECTION 56-27-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57-3-130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3982 -- Rep. Brantley: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE RIDGELAND HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM FOR A REMARKABLE SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR GARNERING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3983 -- Rep. Brantley: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE RIDGELAND HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR AN OUTSTANDING SEASON AND FOR CAPTURING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Ridgeland High School girls varsity basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for an outstanding season and for capturing the 2011 Class A State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3984 -- Reps. Howard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE, TO RECOGNIZE THE TWELVE YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2011 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS, AND TO

DECLARE THURSDAY, APRIL 14, 2011, AS "BOYS & GIRLS CLUBS DAY" AT THE STATE HOUSE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3985 -- Reps. Rutherford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AUTHOR ASHLYE V. RUMPH-GEDDIS OF RICHLAND COUNTY ON THE PUBLICATION OF HER NEW CHILDREN'S BOOK, TORI EXPLORES SOUTH CAROLINA, AND ON ITS SELECTION AS THE CITY OF COLUMBIA'S TOGETHER WE CAN READ BOOK OF THE YEAR.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59-21-430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

Referred to Committee on Ways and Means

H. 3987 -- Reps. Nanney, Brantley, Spires, Loftis, J. R. Smith, Stringer, Corbin, G. R. Smith, Clemmons, Crawford, Hamilton, Long, D. C. Moss and Simrill: A BILL TO AMEND SECTION 63-17-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF COURT FOR THE SAME PURPOSE IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES.

Referred to Committee on Judiciary

H. 3988 -- Reps. Clemmons and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-3-795 SO AS TO PROVIDE THE COMMISSION OF AN ACT CONSTITUTING THE UNAUTHORIZED PRACTICE OF LAW IN THE COURSE OF OR IN CONJUNCTION WITH THE NEGOTIATION, PREPARATION, EXECUTION, OR RECORDING OF A MORTGAGE OR MORTGAGE MODIFICATION SHALL NOT IMPAIR THE VALIDITY OR ENFORCEABILITY OF THE MORTGAGE OR MORTGAGE MODIFICATION, SHALL NOT IMPAIR THE RIGHT OF THE MORTGAGE HOLDER TO FORECLOSE ON OR OTHERWISE ENFORCE A PROVISION OF THE MORTGAGE OR MODIFIED MORTGAGE, AND SHALL NOT IMPAIR OR RESTRICT THE RIGHT OF A MORTGAGEE TO SEEK A LEGAL OR EQUITABLE REMEDY, AND TO PROVIDE THAT THE LIMITATIONS OF THIS SECTION ARE NOT INTENDED AND MAY NOT BE CONSTRUED TO ALTER, IMPAIR, OR OTHERWISE AFFECT THE POWER OF THE SOUTH CAROLINA SUPREME COURT TO DEFINE AND REGULATE THE PRACTICE OF LAW IN THIS STATE.

Referred to Committee on Judiciary

H. 3989 -- Reps. Govan, Bikas, McCoy, Mitchell, Bingham, Quinn, Brannon, Sabb, J. H. Neal, Gilliard, Allen, Clyburn, Atwater, Anderson, Alexander, Allison, Brady, Branham, R. L. Brown, Cobb-Hunter, Dillard, Gambrell, Harrison, Hearn, Herbkersman, Hixon, Hodges, Hosey, Long, Mack, McLeod, D. C. Moss, Munnerlyn, Nanney, J. M. Neal, Neilson, Owens, Patrick, Pope, Simrill, G. R. Smith and Whipper: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, INCLUDING THE DEFINITION OF "INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED", SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44-23-10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO "INTELLECTUAL DISABILITY" AND THE TERM "MENTALLY RETARDED" TO "PERSON WITH INTELLECTUAL DISABILITY"; TO PROVIDE THAT THE TERMS "INTELLECTUAL DISABILITY" AND "PERSON WITH INTELLECTUAL DISABILITY" HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS "MENTAL RETARDATION" AND "MENTALLY RETARDED"; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM "INTELLECTUAL DISABILITY" FOR "MENTAL RETARDATION" AND THE TERM "PERSON WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED" IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3990 -- Rep. King: A BILL TO DEVOLVE APPOINTMENT AUTHORITY FOR CERTAIN YORK COUNTY BOARDS, OFFICES, AND COMMISSIONS FROM THE GOVERNOR TO THE YORK COUNTY LEGISLATIVE DELEGATION.

Referred to York Delegation

H. 3991 -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G. R. Smith, J. R. Smith, White and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Referred to Committee on Judiciary

H. 3992 -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G. R. Smith, J. R. Smith, White and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Referred to Committee on Judiciary

H. 3993 -- Reps. Taylor, Bedingfield, Edge, Herbkersman, Merrill, Quinn, Forrester, Viers, McCoy, Huggins, Loftis, Erickson, J. R. Smith, Norman, Hardwick, Hamilton, Atwater, Bikas, Parker, Spires, Corbin, Barfield, Bingham, Allison, Gambrell, Patrick, Frye, Brannon, Sottile, G. R. Smith, Bannister, Chumley, Clemmons, Cole, Cooper, Crosby, Daning, Delleney, Harrell, Harrison, Hearn, Henderson, Hixon, Horne, Limehouse, Long, Lowe, Lucas, D. C. Moss, Murphy, Nanney, Owens, Pinson, Pitts, Pope, Simrill, G. M. Smith, Tallon, Thayer, Toole, White, Whitmire, Young, Clyburn, Hosey and V. S. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 34 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA FAIR TAX ACT", TO PROVIDE FOR THE PURPOSES OF THE ACT AND DEFINITIONS, TO PROVIDE FOR JUDICIAL GUIDANCE FOR INTERPRETATION OF THE ACT AND THE IMPOSITION OF THE TAX, TO PROVIDE FOR CREDITS AND REFUNDS, TO PROVIDE FOR A FAMILY CONSUMPTION ALLOWANCE, TO PROVIDE FOR THE ADMINISTRATION OF THE TAX BY THE DEPARTMENT OF REVENUE, TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE ACT, AND TO PROVIDE FOR COLLECTIONS, APPEALS, AND TAXPAYER RIGHTS; TO PROVIDE FOR SPECIAL RULES RELATED TO INTERMEDIATE SALES, TAXABLE GAMING SERVICES, PURCHASES BY THE FEDERAL GOVERNMENT, GOVERNMENT ENTERPRISES, MIXED-USE PROPERTY OR SERVICES, AND NOT-FOR-PROFIT ORGANIZATIONS; TO PROVIDE FOR TAXATION OF FINANCIAL INTERMEDIATION SERVICES, TO PROVIDE FOR ADDITIONAL MATTERS RELATED TO THE SALE OF A COPYRIGHT OR TRADEMARK, CERTAIN EXCLUSIONS FROM TAXATION, TAXATION RELATED TO THE PURCHASE OF TAXABLE PROPERTY OR SERVICES SUBJECT TO AN EMPLOYEE DISCOUNT, TAXABLE PROPERTY OR SERVICES GIVEN AS A GIFT, PRIZE, REWARD, OR AS REMUNERATION FOR EMPLOYMENT BY A REGISTERED PERSON, AND TO PROVIDE FOR TAX TREATMENT FOR INVENTORY HELD BY A TRADE OR BUSINESS ON THE CLOSE OF BUSINESS ON DECEMBER THIRTY-FIRST OF THE YEAR THAT THIS ACT IS ENACTED; TO PROVIDE FOR FUNDING TO THE HOMESTEAD EXEMPTION FUND, THE STATE PUBLIC SCHOOL BUILDING FUND, THE SOUTH CAROLINA EDUCATION IMPROVEMENT ACT OF 1984 FUND, FUNDING FOR MUNICIPALITIES AND COUNTIES, AND THE TOURISM EXPENDITURE REVIEW COMMITTEE; TO PROVIDE FOR A SPECIAL VOTE TO AMEND OR REPEAL THIS ACT WITHIN THREE YEARS OF ITS ENACTMENT AND REFERENDUM FOR CHANGES AFTER THE FOURTH YEAR; AND TO REPEAL CHAPTERS 6, 8, 11, 13, 16, 36, 58, AND 62 OF TITLE 12.

Referred to Committee on Ways and Means

S. 295 -- Senators Hutto, Fair, Jackson, Rankin and Ford: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE TO STUDY THE SUMMER CAMPS IN THE STATE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE RELATED TO LICENSING AND REGULATION OF SUMMER CAMPS, PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTMENT FOR THE MEMBERSHIP, PROVIDE FOR THE DUTIES OF THE STUDY COMMITTEE, PROVIDE FOR THE STAFFING OF THE STUDY COMMITTEE, AND TO DISSOLVE THE STUDY COMMITTEE AFTER A REPORT OF ITS FINDINGS IS PROVIDED TO THE LEGISLATURE AND THE GOVERNOR.

Referred to Committee on Labor, Commerce and Industry

S. 502 -- Senator Davis: A BILL TO AMEND SECTION 50-23-30, AS AMENDED, CODE OF LAW OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE REQUIREMENT THAT WATERCRAFT AND OUTBOARD MOTORS BE TITLED, SO AS TO EXEMPT SAILBOATS WITHOUT MOTORIZED PROPULSION NOT MORE THAN FOURTEEN FEET IN LENGTH FROM THE TITLING REQUIREMENT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 512 -- Senator Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE PROTECTION OF GAME, BY ADDING SECTION 50-11-36 TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 520 -- Senators Cleary, Rankin and Elliott: A BILL TO AMEND SECTION 48-39-290 OF THE 1976 CODE, RELATING TO CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND SETBACK LINE, TO PROVIDE THAT FISHING PIERS AND THEIR RELATED STRUCTURES, WHICH ARE OPEN TO THE PUBLIC AND APPROVED BY THE LOCAL ZONING AND PLANNING AUTHORITY, MAY BE CONSTRUCTED.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 590 -- Senators McGill and Ford: A JOINT RESOLUTION TO EXEMPT THE ESTABLISHMENT OF A GEROPSYCHIATRIC DISTINCT PART UNIT FOR PROSPECTIVE PAYMENT SYSTEM EXCLUSION OF UP TO TEN BEDS FROM THE REQUIREMENT OF OBTAINING A CERTIFICATE OF NEED.

Referred to Committee on Medical, Military, Public and Municipal Affairs

S. 629 -- Senators Sheheen, Setzler, Lourie, Coleman, Malloy, Reese, Anderson, Hayes, Courson, Matthews, Land, Nicholson and Ford: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011-2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

On motion of Rep. COOPER, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

S. 636 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-523 SO AS TO PROVIDE THAT A NONRESIDENT DURING A SPECIFIED PERIOD MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CONDITIONS WHICH GRANT THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bikas | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 30.

|  |  |
| --- | --- |
| Paul Agnew | Terry Alexander |
| William Bowers | Alan D. Clemmons |
| Dwight Loftis | David Mack |
| James Merrill | Denny Neilson |
| Bakari Sellers | Ted Vick |
| Thad Viers | Mark Willis |
| V. S. Moss | Boyd Brown |
| Merita Allison | H. B. "Chip" Limehouse |
| Joseph Neal |  |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ALLISON a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. UMPHLETT a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BEDINGFIELD a leave of absence for the day due to business reasons.

**SPECIAL PRESENTATION**

Rep. MCEACHERN presented to the House the Keenan High School "Raiders" Varsity Boys Basketball Team, the 2011 Class AA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3407 |
| Date: | ADD: |
| 03/30/11 | BRANTLEY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3430 |
| Date: | ADD: |
| 03/30/11 | BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3730 |
| Date: | ADD: |
| 03/30/11 | MCLEOD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3735 |
| Date: | ADD: |
| 03/30/11 | CLEMMONS, G. M. SMITH, HARDWICK, HEARN, BARFIELD and WHITE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3929 |
| Date: | ADD: |
| 03/30/11 | HUGGINS, KNIGHT and SOTTILE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3957 |
| Date: | ADD: |
| 03/30/11 | FUNDERBURK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3564 |
| Date: | ADD: |
| 03/30/11 | LONG |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3604 |
| Date: | ADD: |
| 03/30/11 | AGNEW |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3864 |
| Date: | ADD: |
| 03/30/11 | TALLON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3865 |
| Date: | ADD: |
| 03/30/11 | TALLON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3930 |
| Date: | ADD: |
| 03/30/11 | LONG and PINSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3993 |
| Date: | ADD: |
| 03/30/11 | V. S. MOSS, HOSEY and CLYBURN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3738 |
| Date: | REMOVE: |
| 03/30/11 | PITTS |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3562 |
| Date: | REMOVE: |
| 03/30/11 | BRANNON |

**ORDERED TO THIRD READING**

The following Bills were taken up, read the second time, and ordered to a third reading:

S. 724 -- Senator McGill: A BILL TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT.

H. 3923 -- Rep. Parker: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO RENAME THE INMAN MILLS BAPTIST VOTING PRECINCT THE GREATER ST. JAMES VOTING PRECINCT AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

H. 3947 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 55-11-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE RICHLAND-LEXINGTON AIRPORT COMMISSION, SO AS TO REVISE THE PROCEDURE TO APPOINT THE MEMBERS SELECTED BY THE RICHLAND COUNTY LEGISLATIVE DELEGATION.

**H. 3788--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, March 31, which was adopted:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

**H. 3874--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, March 31, which was adopted:

H. 3874 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS AND SCENIC BYWAYS; AND TO REPEAL ACT 714 OF 1978 WHICH DESIGNATED CERTAIN PORTIONS OF HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS.

**H. 3711--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3711 -- Reps. Sandifer, Hayes and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-61-210 SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY'S CUSTOMERS IS EXEMPT FROM ALL REQUIREMENTS OF THE MOTOR CLUB SERVICES ACT.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18862AB11), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 39‑61‑20(b) of the 1976 Code is amended to read:

“(b) ‘Club’ means ~~any~~ a person ~~presently or hereafter~~ engaged in selling, furnishing, or making available to members, either as principal or agent, motor club services. This definition does not include an entity that enters into a service contract with a club licensed under this chapter for the provision of emergency road service and towing service to the customers of the entity.”

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

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

**H. 3914--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill, which was adopted:

H. 3914 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS AND SCENIC BYWAYS; AND TO REPEAL ACT 714 OF 1978 WHICH DESIGNATED CERTAIN PORTIONS OF HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS.

**H. 3735--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3735 -- Reps. Loftis, Chumley, Neilson, Hamilton, Sandifer, J. R. Smith, Whitmire, Thayer, Corbin, Clemmons, G. M. Smith, Hardwick, Hearn, Barfield and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 39 TO ENACT THE "SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT" SO AS TO PROVIDE THAT INCANDESCENT LIGHT BULBS MANUFACTURED IN THIS STATE, WITHOUT SIGNIFICANT PARTS IMPORTED FROM ANOTHER STATE, AND OFFERED FOR SALE AND SOLD FOR USE ONLY IN THIS STATE ARE DEEMED ONLY TO BE IN THE STREAM OF INTRASTATE COMMERCE AND THEREFORE NOT SUBJECT TO FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION.

Rep. SANDIFER explained the Bill.

Reps. OTT, COBB-HUNTER, SELLERS, RUTHERFORD, CRAWFORD, J. E. SMITH, MERRILL, BRANTLEY, PATRICK, LONG, VICK, SABB, KING, JEFFERSON, BRANHAM, HOSEY, CLYBURN, J. R. SMITH, HIXON, GILLIARD, MACK, AGNEW, HARDWICK, WEEKS, SANDIFER, LOFTIS, BUTLER GARRICK and QUINN requested debate on the Bill.

**H. 3957--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3957 -- Reps. Harrison, Bales, McLeod and Funderburk: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES AS SECTION 55-11-430 OF THE 1976 CODE; AND TO AMEND SECTION 55-11-430, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN-TRADE ZONES.

Rep. HARRISON explained the Bill.

Rep. HARRISON moved to adjourn debate on the Bill, which was agreed to.

**S. 434--POINT OF ORDER**

The following Joint Resolution was taken up:

S. 434 -- Senators Peeler, Bryant, Bright and Campsen: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISO 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES.

**POINT OF ORDER**

Rep. COBB-HUNTER made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

Rep. COOPER moved to waive Rule 5.10.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 65; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bannister | Bikas |
| Bingham | Bowen | Brady |
| Brannon | Chumley | Clemmons |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Huggins | Limehouse |
| Long | Lucas | McCoy |
| Merrill | D. C. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Atwater | Bales |
| Battle | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Hodges | Hosey | Jefferson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the House refused to waive Rule 5.10.

STATEMENT FOR THE JOURNAL

As with other votes involving provider rates for Medicaid, I abstained from this vote on S. 434.

Rep. Kris Crawford

STATEMENT FOR THE JOURNAL

As with other votes involving provider rates for Medicaid, I abstained from this vote on S. 434.

Rep. Phillip Lowe

**H. 3643--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Joint Resolution until Thursday, March 31, which was adopted:

H. 3643 -- Reps. Cooper, Bingham, Allison, Anthony, Harrell, Owens, Hiott and Bikas: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011-2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**H. 3051--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS**

On motion of Rep. ERICKSON, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Judiciary and was referred to the Committee on Ways and Means:

H. 3051 -- Reps. Erickson, Harrison, G. R. Smith and Long: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION ON A RECORDED ROLL CALL VOTE; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

**H. 3003--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V. S. Moss, Norman, Parker, G. M. Smith, G. R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J. R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D. C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56-1-3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

Rep. CLEMMONS moved to adjourn debate upon the Senate Amendments until Thursday, March 31, which was agreed to.

**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3403 -- Reps. Delleney, Simrill, Lucas, Hiott, Limehouse, Bowen, Bedingfield, Pinson, G. M. Smith, J. R. Smith, Bingham, Frye, V. S. Moss, Corbin, Bikas, Cooper, Allison, Parker, Toole, G. R. Smith, Henderson, Atwater, McCoy, Ballentine, Brannon, Clemmons, D. C. Moss, Hixon, Pitts, Young, Sandifer, Quinn, Willis, Viers, Pope, Stringer, Nanney, Hamilton, Owens and Huggins: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF THE SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

H. 3408 -- Reps. Delleney, Lucas, Simrill, Hiott, Limehouse, Bowen, Bedingfield, Pinson, J. R. Smith, G. M. Smith, Bingham, Thayer, V. S. Moss, Brannon, Bikas, Cooper, Allison, Toole, Parker, G. R. Smith, Frye, Atwater, Henderson, McCoy, Ballentine, Clemmons, Hixon, D. C. Moss, Pitts, Young, Quinn, Willis, Viers, Sandifer, Stringer, Nanney, Hamilton, Owens and Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5, TO CHAPTER 41, TITLE 44, TO ENACT THE "FREEDOM OF CONSCIENCE ACT" SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, DISCIPLINING, OR DISCRIMINATING AGAINST AN EMPLOYEE WHO ADVISES THE EMPLOYER THAT HE OR SHE REFUSES TO PARTICIPATE IN CERTAIN ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A HEALTH CARE FACILITY IS NOT REQUIRED TO ADMIT A PATIENT, OR TO ALLOW THE USE OF THE FACILITY FOR PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB AND TO PROVIDE THAT CERTAIN HEALTH CARE PROVIDERS AND EMPLOYEES OF SUCH PROVIDERS WHO PROVIDED NOTICE THAT THEY WILL NOT PARTICIPATE IN SUCH ACTIVITIES MUST NOT BE REQUIRED TO PARTICIPATE, MUST NOT BE DISCIPLINED DUE TO SUCH REFUSAL, AND ARE IMMUNE FROM LIABILITY FOR ANY DAMAGES CAUSED BY SUCH REFUSAL; TO PROVIDE THAT THE STATE MUST NOT REQUIRE AN INSURANCE PLAN OR ISSUER TO COVER PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROHIBIT A HEALTH CARE FACILITY, SCHOOL, OR EMPLOYER FROM DISCRIMINATING AGAINST A PERSON REGARDING ADMISSION, HIRING OR FIRING, TERMS OF EMPLOYMENT, OR STUDENT OR STAFF STATUS BECAUSE THE PERSON REFUSES, WHETHER OR NOT IN WRITING, TO PARTICIPATE IN PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A PERSON MUST NOT BE REQUIRED TO PARTICIPATE IN, MAKE FACILITIES AVAILABLE FOR, OR PROVIDE PERSONNEL FOR PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB IF THE ACTIVITY IS CONTRARY TO THE PERSON'S CONSCIENCE; TO PROHIBIT DISCRIMINATION AGAINST A PERSON ESTABLISHING OR OPERATING A HEALTH CARE FACILITY BECAUSE THE FACILITY DECLINES TO PARTICIPATE IN A HEALTH CARE SERVICE THAT IS CONTRARY TO THE FACILITY'S CONSCIENCE; AND TO PROVIDE THAT A PERSON ADVERSELY AFFECTED BY CONDUCT THAT IS IN VIOLATION OF THIS ARTICLE MAY BRING A CIVIL ACTION FOR EQUITABLE RELIEF AND IF THE PERSON PREVAILS, THE COURT SHALL AWARD ATTORNEY'S FEES.

RECORD FOR VOTING

I was absent, with leave, during the second reading vote of H. 3408. If I had been present, I would have voted in favor, to have joined the majority for passage of the Bill.

Rep. Alan Clemmons

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. BIKAS.

**RECURRENCE TO THE MORNING HOUR**

Rep. DANING moved that the House recur to the Morning Hour, which was agreed to.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 3994 -- Reps. Stavrinakis and McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-245 SO AS TO PROVIDE THAT PUBLIC SWIMMING POOLS OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE ONE LIFEGUARD FOR EVERY FORTY SWIMMERS AND IF THERE ARE MORE THAN FORTY SWIMMERS, THERE MUST BE ONE LIFEGUARD FOR EVERY TWENTY SWIMMERS, WITH MORE TO BE ADDED IF NEEDED.

Rep. STAVRINAKIS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. MERRILL objected.

Referred to Committee on Medical, Military, Public and Municipal Affairs

**ORDERED TO THIRD READING**

The following Bills were taken up, read the second time, and ordered to a third reading:

H. 3914 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS AND SCENIC BYWAYS; AND TO REPEAL ACT 714 OF 1978 WHICH DESIGNATED CERTAIN PORTIONS OF HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS.

Rep. HERBKERSMAN explained the Bill.

S. 522 -- Senators Leatherman, O'Dell, Setzler and Alexander: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

S. 533 -- Senators Coleman, Reese and Ford: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR A SALES TAX EXEMPTION OF CERTAIN ITEMS FOR CERTAIN FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS, SO AS TO PROVIDE THAT THE QUALIFYING INVESTMENT OF AT LEAST TWENTY MILLION DOLLARS MAY BEGIN AT ANY TIME PERIOD AFTER JANUARY 1, 2009, AND ALL OR A PORTION MAY OCCUR BEFORE THE TAXPAYER NOTIFIES THE DEPARTMENT OF REVENUE OF ITS INTENTION.

Rep. COOPER explained the Bill.

**H. 3957--DEBATE ADJOURNED**

Rep. COBB-HUNTER moved to adjourn debate upon the following Bill until Thursday, March 31, which was adopted:

H. 3957 -- Reps. Harrison, Bales, McLeod and Funderburk: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES AS SECTION 55-11-430 OF THE 1976 CODE; AND TO AMEND SECTION 55-11-430, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN-TRADE ZONES.

**H. 3642--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3642 -- Reps. Cooper, Bingham, Allison, Harrell and Owens: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2010-2011 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010-2011 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2010-2011; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18916BH11), which was adopted:

Amend the joint resolution, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. A. For Fiscal Year 2011‑2012 a local school district board of trustees may determine that all teachers employed by the district must be paid based on the years of experience on the school district salary schedule they possessed in Fiscal Year 2010‑2011, without a negative impact resulting to their experience credit. This decision must be voted on by the local school district board of trustees in a public school board meeting with public notice posted on the school district website.

B. Application of this provision must be applied uniformly for all teachers within the school district. If a local school district board of trustees takes advantage of the provisions of SECTION 1.A. of this joint resolution, it may not provide for an increase in salary for district administrators and school administrators and their compensation may not be higher than the actual amount received in Fiscal Year 2010‑2011. A local school district board of trustees may, however, increase the salary of a district or school administrator if he was subject to a furlough or changed his position within the district in the prior academic year.

C. For purposes of this joint resolution, district administrators and school administrators are defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination must be based upon whether the individual performs the functions outlined in position codes identified by the department as administration.

D. Notwithstanding any other provision of this joint resolution, a local school district board of trustees shall continue to pay teachers and school and district administrators for changes in their education level.

SECTION 2. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

The Joint Resolution, as amended, was read the second time and ordered to third reading.

**OBJECTION TO RECALL**

Rep. STAVRINAKIS asked unanimous consent to recall H. 3994 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. G. M. SMITH objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3109 from the Committee on Judiciary.

Rep. VIERS objected.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. STAVRINAKIS.

**H. 3957--RECONSIDERED**

Rep. OTT moved to reconsider the vote whereby debate was adjourned on the following Bill until Thursday, March 31, which was agreed to:

H. 3957 -- Reps. Harrison, Bales, McLeod and Funderburk: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES AS SECTION 55-11-430 OF THE 1976 CODE; AND TO AMEND SECTION 55-11-430, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN-TRADE ZONES.

**H. 3957--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3957 -- Reps. Harrison, Bales, McLeod and Funderburk: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES AS SECTION 55-11-430 OF THE 1976 CODE; AND TO AMEND SECTION 55-11-430, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION'S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN-TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN-TRADE ZONES.

Rep. HARRISON spoke in favor of the Bill.

The Bill was read the second time and ordered to third reading.

**H. 3994--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

On motion of Rep. STAVRINAKIS, with unanimous consent, the following Bill was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs:

H. 3994 -- Reps. Stavrinakis and McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-245 SO AS TO PROVIDE THAT PUBLIC SWIMMING POOLS OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE ONE LIFEGUARD FOR EVERY FORTY SWIMMERS AND IF THERE ARE MORE THAN FORTY SWIMMERS, THERE MUST BE ONE LIFEGUARD FOR EVERY TWENTY SWIMMERS, WITH MORE TO BE ADDED IF NEEDED.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3535 from the Committee on Labor, Commerce and Industry.

Rep. FORRESTER objected.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. STAVRINAKIS.

**H. 3658--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Thursday, March 31, which was adopted:

H. 3658 -- Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D. C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V. S. Moss, Long, G. R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Viers, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis and Horne: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA EMPLOYER FREE SPEECH ACT" BY ADDING SECTION 41-7-110 SO AS TO PROVIDE THAT AN EMPLOYER IN THIS STATE IS NOT REQUIRED TO POST, PHYSICALLY, ELECTRONICALLY, OR OTHERWISE, NOTICES INFORMING EMPLOYEES OF THEIR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT, COURT DECISIONS IMPLEMENTING THOSE RIGHTS, OR INFORMATION PERTAINING TO THE ENFORCEMENT OF THOSE RIGHTS, AND TO PROVIDE DEFINITIONS.

**H. 3267--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3267 -- Reps. Sellers, G. M. Smith and Pitts: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

Rep. HART moved to adjourn debate on the Bill until Thursday, March 31.

Rep. SIMRILL moved to table the motion.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bannister | Barfield |
| Bikas | Bingham | Brady |
| Brannon | Chumley | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | Willis | Young |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Dillard | Gilliard |
| Hart | Hayes | Hodges |
| Hosey | Jefferson | King |
| Mack | McEachern | McLeod |
| Mitchell | Munnerlyn | J. M. Neal |
| Parks | Rutherford | Sabb |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--35**

So, the motion to adjourn debate was tabled.

Rep. FUNDERBURK moved that the House recede until 2:30 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of the Bill.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, Acting SPEAKER HENDERSON in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3267--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 3267 -- Reps. Sellers, G. M. Smith and Pitts: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

Rep. HART moved to adjourn debate on the Bill until Tuesday, April 5.

Rep. SELLERS moved to table the motion.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 79; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bikas | Bingham |
| Bowen | Brady | Brannon |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neilson |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anthony |
| Bales | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Dillard |
| Gilliard | Hart | Hodges |
| Jefferson | King | Mack |
| McLeod | Mitchell | J. M. Neal |
| Rutherford | J. E. Smith |  |

**Total--20**

So, the motion to adjourn debate was tabled.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\SWB\5159CM11), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Chapter 21, Title 24 of the 1976 Code is amended to read:

“CHAPTER 21

Probation, Parole and Pardon

Article 1

Board of Probation, Parole and Pardon Services

Section 24‑21‑5. As used in this chapter:

(1) ‘Administrative monitoring’ means a form of monitoring by the ~~department~~ Division of Probation, Parole and Pardon Services beyond the end of the term of supervision in which the only remaining condition of supervision not completed is the payment of financial obligations. Under administrative monitoring, the only condition of the monitoring shall be the requirement that reasonable progress be made toward the payment of financial obligations. The payment of monitoring mandated fees shall continue. When an offender is placed on administrative monitoring, he shall register with the department’s representative in his county, notify the department of his current address each quarter, and make payments on financial obligations owed, until the financial obligations are paid in full or a consent order of judgment is filed.

(2) ‘Criminal risk factors’ mean characteristics and behaviors that, when addressed or changed, affect a person’s risk for committing crimes. The characteristics may include, but not be limited to, the following risk and criminogenic need factors: antisocial behavior patterns; criminal personality; antisocial attitudes, values, and beliefs; poor impulse control; criminal thinking; substance abuse; criminal associates; dysfunctional family or marital relationships; or low levels of employment or education.

(3) ‘~~Department~~ Divison’ means the ~~Department~~ Division of Probation, Parole and Pardon Services.

(4) ‘Evidence‑based practices’ mean supervision policies, procedures, and practices that scientific research demonstrates reduce recidivism among individuals on probation, parole, or post‑correctional supervision.

(5) ‘Financial obligations’ mean fines, fees, and restitution either ordered by the court or statutorily imposed.

(6) ‘Hearing officer’ means an employee of the department who conducts preliminary hearings to determine probable cause on alleged violations committed by an individual under the supervision of the department and as otherwise provided by law. This includes, but is not limited to, violations concerning probation, parole, and community supervision. The hearing officer also conducts preliminary hearings and final revocation hearings for supervised furlough, youthful offender conditional release cases, and such other hearings as required by law.

Section 24‑21‑10. (A) The ~~department~~ Division of Probation, Parole and Pardon Services is ~~governed by its director. The director must be appointed by the Governor with the advice and consent of the Senate. To qualify for appointment, the director must have a baccalaureate or more advanced degree from an institution of higher learning that has been accredited by a regional or national accrediting body, which is recognized by the Council for Higher Education Accreditation and must have at least ten years of training and experience in one or more of the following fields: parole, probation, corrections, criminal justice, law, law enforcement, psychology, psychiatry, sociology, or social work~~ a division of the South Carolina Department of Corrections.

(B) The Board of Probation, Parole and Pardon Services is composed of seven members. The terms of office of the members are for six years. Six of the seven members must be appointed from each of the congressional districts and one member must be appointed at large. The at‑large appointee shall have at least five years of work or volunteer experience in one or more of the following fields: parole, probation, corrections, criminal justice, law, law enforcement, psychology, psychiatry, sociology, or social work. Vacancies must be filled by gubernatorial appointment with the advice and consent of the Senate for the unexpired term. If a vacancy occurs during a recess of the Senate, the Governor may fill the vacancy by appointment for the unexpired term pending the consent of the Senate, provided the appointment is received for confirmation on the first day of the Senate’s next meeting following the vacancy. A chairman must be elected annually by a majority of the membership of the board. The chairman may serve consecutive terms.

(C) The Governor shall deliver an appointment within sixty days of the expiration of a term, if an individual is being reappointed, or within ninety days of the expiration of a term, if an individual is an initial appointee. If a board member who is being reappointed is not confirmed within sixty days of receipt of the appointment by the Senate, the appointment is considered rejected. For an initial appointee, if confirmation is not made within ninety days of receipt of the appointment by the Senate, the appointment is deemed rejected. The Senate may by resolution extend the period after which an appointment is considered rejected. If the failure of the Senate to confirm an appointee would result in the lack of a quorum of board membership, the seat for which confirmation is denied or rejected shall not be considered when determining if a quorum of board membership exists.

(D) Within ninety days of a parole board member’s appointment by the Governor and confirmation by the Senate, the board member must complete a comprehensive training course developed by the department using training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association. This training course must include classes regarding the following:

(1) the elements of the decision making process, through the use of evidence‑based practices for determining offender risk, needs and motivations to change, including the actuarial assessment tool that is used by the parole agent;

(2) security classifications as established by the Department of Corrections;

(3) programming and disciplinary processes and the department’s supervision, case planning, and violation process;

(4) the dynamics of criminal victimization; and

(5) collaboration with corrections related stakeholders, both public and private, to increase offender success and public safety.

The ~~department~~ division must promulgate regulations setting forth the minimum number of hours of training required for the board members and the specific requirements of the course that the members must complete.

(E)(1) Each parole board member is also required to complete a minimum of eight hours of training annually, which shall be provided for in the department’s annual budget. This annual training course must be developed using the training components consistent with those offered by the National Institute of Corrections or American Probation and Parole Association and must offer classes regarding:

(a) a review and analysis of the effectiveness of the assessment tool used by the parole agents;

(b) a review of the department’s progress toward public safety goals;

(c) the use of data in decision making; and

(d) any information regarding promising and evidence‑based practices offered in the corrections related and crime victim dynamics field.

The ~~department~~ division must promulgate regulations setting forth the specific criteria for the course that the members must complete.

(2) If a parole board member does not fulfill the training as provided in this section, the Governor, upon notification, must remove that member from the board unless the Governor grants the parole board member an extension to complete the training, based upon exceptional circumstances.

(F) The ~~department~~ division must develop a plan that includes the following:

(1) establishment of a process for adopting a validated actuarial risk and needs assessment tool consistent with evidence‑based practices and factors that contribute to criminal behavior, which the parole board shall use in making parole decisions, including additional objective criteria that may be used in parole decisions;

(2) establishment of procedures for the department on the use of the validated assessment tool to guide the ~~department~~ division, parole board, and agents of the ~~department~~ division in determining supervision management and strategies for all offenders under the ~~department’s~~ division’s supervision, including offender risk classification, and case planning and treatment decisions to address criminal risk factors and reduce offender risk of recidivism; and

(3) establishment of goals for the ~~department~~ division, which include training requirements, mechanisms to ensure quality implementation of the validated assessment tool, and safety performance indicators.

(G) The ~~director~~ division shall submit the plan in writing to the Sentencing Reform Oversight Committee no later than July 1, 2011. Thereafter, the ~~department~~ division must submit an annual report to the Sentencing Reform Oversight Committee on its performance for the previous fiscal year and plans for the upcoming year. The ~~department~~ division must collect and report all relevant data in a uniform format of both board decisions and field services and must annually compile a summary of past practices and outcomes.

Section 24‑21‑11. The ~~director and~~ members of the board shall be subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240.

Section 24‑21‑12. The members of the board shall draw no salaries, but each member shall be entitled to such per diem as may be authorized by law for boards, commissions, and committees, plus actual and necessary expenses incurred pursuant to the discharge of official duties.

Section 24‑21‑13. (A) It is the duty of the ~~director~~ Director of the Department of Corrections to oversee, manage, and control the ~~department~~ division. The director shall develop written policies and procedures for the following:

(1) the supervising of offenders on probation, parole, community supervision, and other offenders released from incarceration ~~prior to~~ before the expiration of their sentence, which supervising shall be based on a structured decision‑making guide designed to enhance public safety, which uses evidence‑based practices and focuses on considerations of offenders’ criminal risk factors;

(2) the consideration of paroles and pardons and the supervision of offenders in the community supervision program and other offenders released from incarceration prior to the expiration of their sentence. The requirements for an offender’s participation in the community supervision program and an offender’s progress toward completing the program are to be decided administratively by the ~~Department~~ Division of Probation, Parole and Pardon Services. No inmate or future inmate shall have a ‘liberty interest’ or an ‘expectancy of release’ while in a community supervision program administered by the ~~department~~ division;

(3) the operation of community‑based correctional services and treatment programs; and

(4) the operation of public work sentence programs for offenders as provided in item (1) of this subsection. This program also may be utilized as an alternative to technical revocations. The director shall establish priority programs for litter control along state and county highways. This must be included in the ‘public service work’ program.

(B) It is the duty of the board to consider cases for parole, pardon, and any other form of clemency provided for under law.

Section 24‑21‑30. (A) A person who commits a ‘no parole offense’ as defined in Section 24‑13‑100 on or after the effective date of this section is not eligible for parole consideration, but must complete a community supervision program as set forth in Section 24‑21‑560 ~~prior to~~ before discharge from the sentence imposed by the court. For all offenders who are eligible for parole, the board shall hold regular meetings, as may be necessary to carry out its duties, but at least four times each year, and as many extra meetings as the chairman, or the Governor acting through the chairman, may order. The board may preserve order at its meetings and punish any disrespect or contempt committed in its presence. The chairman may direct the members of the board to meet as three‑member panels to hear matters relating to paroles and pardons as often as necessary to carry out the board’s responsibilities. Membership on these panels shall be periodically rotated on a random basis by the chairman. At the meetings of the panels, any unanimous vote shall be considered the final decision of the board, and the panel may issue an order of parole with the same force and effect of an order issued by the full board pursuant to Section 24‑21‑650. Any vote that is not unanimous shall not be considered as a decision of the board, and the matter shall be referred to the full board which shall decide it based on a vote of a majority of the membership.

(B) The board may grant parole to an offender who commits a violent crime as defined in Section 16‑1‑60 which is not included as a ‘no parole offense’ as defined in Section 24‑13‑100 on or after the effective date of this section by a two‑thirds majority vote of the full board. The board may grant parole to an offender convicted of an offense which is not a violent crime as defined in Section 16‑1‑60 or a ‘no parole offense’ as defined in Section 24‑13‑100 by a unanimous vote of a three‑member panel or by a majority vote of the full board.

Nothing in this subsection may be construed to allow any person who commits a ‘no parole offense’ as defined in Section 24‑13‑100 on or after the effective date of this section to be eligible for parole.

(C) The board shall conduct all parole hearings in cases that relate to a single victim on the same day.

(D) Upon the request of a victim, the board may allow the victim and an offender to appear simultaneously before the board for the purpose of providing testimony.

Section 24‑21‑32. (A) For purposes of this section, ‘release date’ means the date determined by the South Carolina Department of Corrections on which an inmate is released from prison, based on the inmate’s sentence and all earned credits allowed by law.

(B) Notwithstanding the provisions of this chapter, an inmate, who is not required to participate in a community supervision program pursuant to Article 6, Chapter 21, Title 24, shall be placed on reentry supervision with the ~~department~~ division before the expiration of the inmate’s release date. Inmates who have been incarcerated for a minimum of two years shall be released to reentry supervision one hundred eighty days before their release date. For an inmate whose sentence includes probation, the period of reentry supervision is reduced by the term of probation.

(C) The individual terms and conditions of reentry supervision shall be developed by the ~~department~~ division using an evidence‑based assessment of the inmate’s needs and risks. An inmate placed on reentry supervision must be supervised by a probation agent of the ~~department~~ division. The ~~department~~ division shall promulgate regulations for the terms and conditions of reentry supervision. Until such time as regulations are promulgated, the terms and conditions shall be based on guidelines developed by the director.

(D) If the ~~department~~ division determines that an inmate has violated a term or condition of reentry supervision sufficient to revoke the reentry supervision, a probation agent must initiate a proceeding before a ~~department~~ division administrative hearing officer. The proceeding must be initiated pursuant to a warrant or a citation describing the violations of the reentry supervision. No inmate arrested for violation of a term or condition of reentry supervision may be released on bond; however, he shall be credited with time served as set forth in Section 24‑13‑40 toward his release date. If the administrative hearing officer determines the inmate has violated a term or condition of reentry supervision, the hearing officer may impose other terms or conditions set forth in the regulations or ~~department~~ division guidelines, and may continue the inmate on reentry supervision, or the hearing officer may revoke the inmate’s reentry supervision and the inmate shall be incarcerated up to one hundred eighty days, but the maximum aggregate time that the inmate shall serve on reentry supervision or for revocation of the reentry supervision shall not exceed an amount of time equal to the length of incarceration imposed by the court for the offense that the inmate was serving at the time of his initial reentry supervision. The decision of the administrative hearing officer on the reentry supervision shall be final and there shall be no appeal of his decision.

Section 24‑21‑35. The ~~Department~~ Division of Probation, Parole and Pardon Services Board shall make its administrative recommendations available to a victim of a crime before it conducts a parole hearing for the perpetrator of the crime.

Section 24‑21‑40. The ~~Board~~ board shall keep a complete record of all its proceedings and hold it subject to the order of the Governor or the General Assembly.

Section 24‑21‑50. The board shall grant hearings and permit arguments and appearances by counsel or any individual before it at any such hearing while considering a case for parole, pardon, or any other form of clemency provided for under law. No inmate has a right of confrontation at the hearing.

Section 24‑21‑55. The ~~Department~~ Division of Probation, Parole and Pardon Services shall receive a hearing fee under a plan approved by the State Budget and Control Board.

Section 24‑21‑60. Each city, county, or state official or department shall assist and cooperate to further the objectives of this chapter. The board, the director of the ~~department~~ division, and the probation agents may seek the cooperation of officials and departments and especially of the sheriffs, jailers, magistrates, police officials, and institutional officers. The director may conduct surveys of state correctional facilities, county jails, and camps and obtain information to enable the board to pass intelligently upon all applications for parole. The Director of the Department of Corrections and the wardens, jailers, sheriffs, supervisors, or other officers in whose control a prisoner may be committed must aid and assist the director and the probation agents in the surveys.

Section 24‑21‑70. The Director of the Department of Corrections, when a prisoner is confined in the ~~State Penitentiary~~ Department of Corrections, the sheriff of the county, when a person is confined in the county jail, and the county supervisor or chairman of the governing body of the county if there is no county supervisor, when a prisoner is confined upon a work detail of a county, must keep a record of the industry, habits, and deportment of the prisoner, as well as other information requested by the board or the director and furnish it to them upon request.

Section 24‑21‑80. An adult placed on probation, parole, or community supervision shall pay a regular supervision fee toward offsetting the cost of his supervision for so long as he remains under supervision. The regular supervision fee must be determined by the ~~Department of~~ Division of Probation, Parole~~,~~ and Pardon Services based upon the ability of the person to pay. The fee must be not less than twenty dollars nor more than one hundred dollars per month. The fee is due on the date of sentencing or as soon as determined by the ~~department~~ division and each subsequent anniversary for the duration of the supervision period. The ~~department~~ division shall remit from the fees collected an amount not to exceed the regular supervision fees collected during fiscal year 1992‑~~93~~ 1993 for credit to the State General Fund. All regular supervision fees collected in excess of the fiscal year 1992‑~~93~~ 1993 amount must be retained by the ~~department~~ division, carried forward, and applied to the ~~department’s~~ division’s operation. The payment of the fee must be a condition of probation, parole, or community supervision, and a delinquency of two months or more in making payments may operate as a revocation.

If a probationer is placed under intensive supervision by a court of competent jurisdiction, or if the board places a parolee under intensive supervision, or if an inmate who is participating in the Supervised Furlough Program is placed under intensive supervision, or if a person participating in a community supervision program is placed under intensive supervision, the probationer, parolee, inmate, or community supervisee is required to pay not less than ten dollars nor more than thirty dollars each week for the duration of intensive supervision in lieu of the regular supervision fee. The intensive supervision fee must be determined by the ~~department~~ division based upon the ability of the person to pay. Fees derived from persons under intensive supervision must be retained by the ~~department~~ division, carried forward, and applied to the ~~department’s~~ division’s operation. The ~~department~~ division may exempt any individual supervised by the ~~department~~ division on any community supervision program from the payment of a part or all of the yearly or weekly fee during any part or all of the supervision period only if the ~~department~~ division determines that exceptional circumstances exist such that these payments work a severe hardship on the individual. Delinquencies of two months or more in payment of a reduced fee operates in the same manner as delinquencies for the full amount. The ~~department~~ division may substitute public service employment for supervision fees when it considers the same to be in the best interest of the State and the individual.

Section 24‑21‑85. Every person placed on electronic monitoring must be assessed a fee to be determined by the ~~Department of~~ Division of Probation, Parole and Pardon Services in accordance with Section 24‑21‑80, as long as he remains in the electronic monitoring program. The payment of the fee must be a condition of supervision of any program administered by the ~~department~~ division and a delinquency of two months or more in making payments may operate as a revocation. All fees generated by this assessment must be retained by the ~~department~~ division to support the electronic monitoring program and carried forward for the same purpose.

Section 24‑21‑87. (A) The ~~department~~ Division of Probation, Parole and Pardon Services may charge offenders a fee based on the number of miles and length of time required to perform an extradition. The fee must be used to offset the cost of extradition. All unexpended revenues of this fee at year end must be retained and carried forward by the department and expended for the same purpose.

(B) The department may charge a fee to offenders required to have maintenance polygraphs. This fee may not exceed the actual cost of the maintenance polygraph. All unexpended revenues of this fee at year end must be retained and carried forward by the department and expended for the same purpose.

Section 24‑21‑90. Each supervising agent shall keep an accurate account of the money he collects pursuant to ~~Sections~~ Section 24‑21‑80~~, 24‑23‑210(B), and 24‑23‑220~~ and shall give a receipt to the probationer and individual under supervision for each payment. Money collected must be forwarded to the board and deposited in the state treasury.

Section 24‑21‑100. (A) Notwithstanding the provisions of Section 24‑19‑120, 24‑21‑440, 24‑21‑560(B), or 24‑21‑670, when an individual has not fulfilled his obligations for payment of financial obligations by the end of his term of supervision, then the individual shall be placed under quarterly administrative monitoring, as defined in Section 24‑21‑5, by the ~~department~~ division until such time as those financial obligations are paid in full or a consent order of judgment is filed. If the individual under administrative monitoring fails to make reasonable progress toward the payment of such financial obligations, as determined by the ~~department~~ division, the ~~department~~ division may petition the court to hold an individual in civil contempt for failure to pay the financial obligations. If the court finds the individual has the ability to pay but has not made reasonable progress toward payment, the court may hold the individual in civil contempt of court and may impose a term of confinement in the local detention center until payment of the financial obligations, but in no case to exceed ninety days of confinement. Following any term of confinement, the individual shall be returned to quarterly administrative monitoring by the ~~department~~ division. If the individual under administrative monitoring does not have the ability to pay the financial obligations and has no reasonable likelihood of being able to pay in the future, the ~~department~~ division may submit a consent order of judgment to the court, which shall relieve the individual of any further administrative monitoring.

(B) An individual placed on administrative monitoring shall pay a regular monitoring fee toward offsetting the cost of his administrative monitoring for the period of time that he remains under monitoring. The regular monitoring fee must be determined by the ~~department~~ division based upon the ability of the person to pay. The fee must not be more than ten dollars a month. All regular monitoring fees must be retained by the ~~department~~ division, carried forward, and applied to the ~~department’s~~ division’s operation.

Section 24‑21‑110. (A) In response to a violation of the terms and conditions of any supervision program operated by the ~~department~~ division, whether pursuant to statute or contract with another state agency, the probation agent may, with the concurrence of his supervisor and, as an alternative to issuing a warrant or citation, serve on the offender a notice of administrative sanctions. The agent must not serve a notice of administrative sanctions on an offender for violations of special conditions if a sentencing court provided that those violations would be heard by the court. The administrative sanctions must be equal to or less restrictive than the sanctions available to the revoking authority, with the exception of revocation.

(B) If the offender agrees in writing to the additional conditions set forth in the notice or order of administrative sanctions, the conditions must be implemented with swiftness and certainty. If the offender does not agree, or if after agreeing the offender fails to fulfill the additional conditions to the satisfaction of the probation agent and his supervisor, then the probation agent may commence revocation proceedings.

(C) In addition to the notice of administrative sanctions, a hearing officer with the ~~department~~ division may, as an alternative to sending a case forward to the revoking authority, impose on the offender an order of administrative sanctions. The order may be made only after the hearing officer has made a finding of probable cause at a preliminary hearing that an offender has violated the terms and conditions of any supervision program operated by the ~~department~~ division, whether pursuant to statute or a contract with another state agency. The administrative sanctions must be equal to or less restrictive than the sanctions available to the revoking authority, with the exception of revocation. The sanctions must be implemented with swiftness and certainty.

(D) The administrative sanctions shall be established by regulations of the ~~department~~ division, as set forth by established administrative procedures. The ~~department~~ division shall delineate in the regulations a listing of administrative sanctions for the most common types of supervision violations including, but not limited to: failure to report; failure to pay fines, fees, and restitution; failure to participate in a required program or service; failure to complete community service; and failure to refrain from the use of alcohol or controlled substances. The sanctions shall consider the severity of the current violation, the offender’s previous criminal record, the number and severity of previous supervision violations, the offender’s assessment, and the extent to which administrative sanctions were imposed for previous violations. The ~~department~~ division, in determining the list of administrative sanctions to be served on an offender, shall ascertain the availability of community‑based programs and treatment options including, but not limited to: inpatient and outpatient substance abuse treatment facilities; day reporting centers; restitution centers; intensive supervision; electronic monitoring; community service; programs to reduce criminal risk factors; and other community‑based options consistent with evidence‑based practices.

(E) The ~~department~~ division shall provide annually to the Sentencing Reform Oversight Committee:

(1) the number of offenders who were placed on administrative sanctions during the prior fiscal year and who were not returned to incarceration within that fiscal year;

(2) the number and percentage of offenders whose supervision programs were revoked for violations of the conditions of supervision and ordered to serve a term of imprisonment. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required. The baseline revocation rate shall be the revocation rate in Fiscal Year 2010; and

(3) the number and percentage of offenders who were convicted of a new offense and sentenced to a term of imprisonment. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required. The baseline revocation rate shall be the revocation rate in Fiscal Year 2010.

Article 3

Division of Probation, Parole and Pardon Services;

Probation Officers

Section 24‑21‑220. The director is vested with the exclusive management and control of the ~~department~~ division and is responsible for the management of the ~~department~~ division and for the proper care, assessment, treatment, supervision, and management of offenders under its control. The director shall manage and control the ~~department~~ division and it is the duty of the director to carry out the policies of the ~~department~~ division. The director is responsible for scheduling board meetings, assuring that the proper cases and investigations are prepared for the board, maintaining the board’s official records, and performing other administrative duties relating to the board’s activities. The director must employ within his office such personnel as may be necessary to carry out his duties and responsibilities including the functions of probation, parole, and community supervision, community‑based programs, financial management, research and planning, staff development and training, and internal audit. The director shall make annual written reports to the board, the Governor, and the General Assembly providing statistical and other information pertinent to the ~~department’s~~ division’s activities.

Section 24‑21‑221. The director of the division must give a thirty‑day written notice of any board hearing during which the board will consider parole for a prisoner to the following persons:

(1) any victim of the crime who suffered damage to his person as a result thereof or if such victim is deceased, to members of his immediate family to the extent practicable;

(2) the solicitor who prosecuted the prisoner or his successor in the jurisdiction in which the crime was prosecuted; and

(3) the law enforcement agency that was responsible for the arrest of the prisoner concerned.

Section 24‑21‑230. (A) The director of the division must employ probation agents required for service in the State and clerical assistants as necessary. The probation agents must take and pass psychological and qualifying examinations as directed by the director. The director must ensure that each probation agent receives adequate training. Until the initial employment requirements are met, no person may take the oath of a probation agent nor exercise the authority granted to them.

(B) The director must employ hearing officers who conduct preliminary hearings to determine probable cause on violations committed by individuals under the supervision of the ~~department~~ division and as otherwise provided by law. This includes, but is not limited to, violations concerning probation, parole, and community supervision. The hearing officer also conducts preliminary hearings and final revocation hearings for supervised furlough, youthful offender conditional release cases, and such other hearings as required by law. The ~~department~~ division shall promulgate regulations for the qualifications of the hearing officers and the procedures for the preliminary hearings. Until regulations are adopted, the qualifications and procedures shall be based on guidelines developed by the director.

Section 24‑21‑235. The ~~Department of~~ Division of Probation, Parole and Pardon Services is authorized to issue duty clothing for the use of ~~department~~ division employees.

Section 24‑21‑237. Meals may be provided to employees of the ~~department~~ Division of Probation, Parole and Pardon Services who are not permitted to leave duty stations and are required to work during deployments, actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency.

Section 24‑21‑240. Each person appointed as a probation agent must take an oath of office as required of state officers which must be noted of record by the clerk of court.

Section 24‑21‑250. The probation agents must be paid salaries, to be fixed by the ~~department~~ division payable semimonthly, and also be paid traveling and other necessary expenses incurred in the performance of their official duties when the expense accounts have been authorized and approved by the director.

Section 24‑21‑260. Probation agents appointed under Section 24‑21‑230 must be assigned to serve in courts or districts or other places the director of the division may determine.

Section 24‑21‑270. The governing body of each county in which a probation agent serves shall provide, in or near the courthouse, suitable office space for such agent.

Section 24‑21‑280. (A) A probation agent must investigate all cases referred to him for investigation by the judges or director and report in writing. He must furnish to each person released on probation, parole, or community supervision under his supervision a written statement of the conditions of probation, parole, or community supervision and must instruct him regarding them. He must keep informed concerning the conduct and condition of each person on probation, parole, or community supervision under his supervision by visiting, requiring reports, and in other ways, and must report in writing as often as the court or director may require. He must use practicable and suitable methods that are consistent with evidence‑based practices to aid and encourage persons on probation, parole, or community supervision to bring about improvement in their conduct and condition and to reduce the risk of recidivism for the offenders under his supervision. A probation agent must keep detailed records of his work, make reports in writing, and perform other duties as the director may require.

(B) A probation agent has, in the execution of his duties, the power to issue an arrest warrant or a citation charging a violation of conditions of supervision, the powers of arrest, and, to the extent necessary, the same right to execute process given by law to sheriffs. A probation agent has the power and authority to enforce the criminal laws of the State. In the performance of his duties of probation, parole, community supervision, and investigation, he is regarded as the official representative of the court, the ~~department~~ division, and the board.

(C) A probation agent must conduct an actuarial assessment of offender risks and needs, including criminal risk factors and specific needs of each individual, under the supervision of the ~~department~~ division, which shall be used to make objectively based decisions that are consistent with evidence‑based practices on the type of supervision and services necessary. The actuarial assessment tool shall include screening and comprehensive versions. The screening version shall be used as a triage tool to determine offenders who require the comprehensive version. The director also shall require each agent to receive annual training on evidence‑based practices and criminal risks factors and how to target these factors to reduce recidivism.

(D) A probation agent, in consultation with his supervisor, shall identify each individual under the supervision of the ~~department~~ division, with a term of supervision of more than one year, and shall calculate and award compliance credits as provided in this section. Credits may be earned from the first day of supervision on a thirty‑day basis, but shall not be applied until after each thirty‑day period of supervision has been completed. Compliance credits may be denied for noncompliance on a thirty‑day basis as determined by the ~~department~~ division. The denial of nonearned compliance credits is a final decision of the ~~department~~ division and is not subject to appeal. An individual may earn up to twenty days of compliance credits for each thirty‑day period in which he has fulfilled all of the conditions of his supervision, has no new arrests, and has made all scheduled payments of his financial obligations.

(E) Any portion of the earned compliance credits are subject to be revoked by the ~~department~~ division if an individual violates a condition of supervision during a subsequent thirty‑day period.

(F) The ~~department~~ division shall provide annually to the Sentencing Reform Oversight Committee the number of offenders who qualify for compliance credits and the amount of credits each has earned within a fiscal year.

Section 24‑21‑290. All information and data obtained in the discharge of his official duty by a probation agent is privileged information, is not receivable as evidence in a court, and may not be disclosed directly or indirectly to anyone other than the judge or others entitled under this chapter to receive reports unless ordered by the court or the director of the division.

Section 24‑21‑300. At any time during a period of supervision, a probation agent, instead of issuing a warrant, may issue a written citation and affidavit setting forth that the probationer, parolee, or community supervision release, or a person released or furloughed under the Offender Management Systems Act in the agent’s judgment violates the conditions of his release or suspended sentence. The citation must be directed to the probationer, the parolee, the community supervision releasee, or the person released or furloughed, and must require him to appear at a specified time, date, and court or other place, and must state the charges. The citation must set forth the person’s rights and contain a statement that a hearing will be held in his absence if he fails to appear and that he may be imprisoned as a result of his absence. The citation may be served by a law enforcement officer upon the request of a probation agent. A certificate of service is sufficient proof of service. The issuance of a citation or warrant during the period of supervision gives jurisdiction to the court and the board at any hearing on the violation.

Article 5

Probation

Section 24‑21‑410. After conviction or plea for any offense, except a crime punishable by death or life imprisonment, the judge of a court of record with criminal jurisdiction at the time of sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation. Probation is a form of clemency. Before a defendant may be placed on probation, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of the defendant’s person, any vehicle the defendant owns or is driving, and any of the defendant’s possessions by:

(1) any probation agent employed by the ~~Department~~ Division of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

A defendant may not be placed on probation by the court if he fails to comply with this provision and instead must be required to serve the suspended portion of the defendant’s sentence. However, a defendant who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the defendant agree to be subject to search or seizure, without a search warrant, with or without cause, of the defendant’s person, any vehicle the defendant owns or is driving, or any of the defendant’s possessions.

Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the ~~Department~~ Division of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the ~~Department~~ Division of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the ~~Department~~ Division of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

Section 24‑21‑420. When directed by the court, the probation agent must fully investigate and report to the court in writing the circumstances of the offense and the criminal record, social history, and present condition of the defendant including, whenever practicable, the findings of a physical and mental examination of the defendant. When the services of a probation agent are available to the court, no defendant charged with a felony and, unless the court shall direct otherwise in individual cases, no other defendant may be placed on probation or released under suspension of sentence until the report of such investigation has been presented to and considered by the court.

Section 24‑21‑430. The court may impose by order duly entered and may at any time modify the conditions of probation and may include among them any of the following or any other condition not prohibited in this section; however, the conditions imposed must include the requirement that the probationer must permit the search or seizure, without a search warrant, based on reasonable suspicions, of the probationer’s person, any vehicle the probationer owns or is driving, and any of the probationer’s possessions by:

(1) any probation agent employed by the ~~Department~~ Division of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer, but the conditions imposed upon a probationer who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the ~~Department~~ Division of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on probation. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the ~~Department~~ Division of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

To effectively supervise probationers, the director shall develop policies and procedures for imposing conditions of supervision on probationers. These conditions may enhance but must not diminish court imposed conditions.

Section 24‑21‑440. The period of probation or suspension of sentence shall not exceed a period of five years and shall be determined by the judge of the court and may be continued or extended within the above limit.

Section 24‑21‑450. At any time during the period of probation or suspension of sentence the court, or the court within the venue of which the violation occurs, or the probation agent may issue or cause the issuing of a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Any police officer or other agent with power of arrest, upon the request of the probation agent, may arrest a probationer. In case of an arrest, the arresting officer or agent must have a written warrant from the probation agent setting forth that the probationer has, in his judgment, violated the conditions of probation, and such statement shall be warrant for the detention of such probationer in the county jail or other appropriate place of detention, until such probationer can be brought before the judge of the court or of the court within the venue of which the violation occurs. Such probation agent must forthwith report such arrest and detention to the judge of the court, or of the court within the venue of which the violation occurs, and submit in writing a report showing in what manner the probationer has violated his probation. Provided, that any person arrested for the violation of the terms of probation must be entitled to be released on bond pending a hearing, and such bond shall be granted and the amount thereof determined by a magistrate in the county where the probationer is confined or by the magistrate in whose jurisdiction the alleged violation of probation occurred.

Section 24‑21‑460. Upon such arrest the court, or the court within the venue of which the violation occurs, shall cause the defendant to be brought before it and may revoke the probation or suspension of sentence and shall proceed to deal with the case as if there had been no probation or suspension of sentence except that the circuit judge before whom such defendant may be so brought shall have the right, in his discretion, to require the defendant to serve all or a portion only of the sentence imposed. Should only a portion of the sentence imposed be put into effect, the remainder of such sentence shall remain in full force and effect and the defendant may again, from time to time, be brought before the circuit court so long as all of his sentence has not been served and the period of probation has not expired.

Section 24‑21‑480. The judge may suspend a sentence for a defendant convicted of a nonviolent offense, as defined in Section 16‑1‑70, for which imprisonment of more than ninety days may be imposed, or as a revocation of probation, and may place the offender in a restitution center as a condition of probation. The board may place a prisoner in a restitution center as a condition of parole. The ~~department~~ Division of Probation, Parole and Pardon Services, on the first day of each month, shall present to the general sessions court a report detailing the availability of bed space in the restitution center program. The restitution center is a program under the jurisdiction of the ~~department~~ division.

The offender must have paid employment and/or be required to perform public service employment up to a total of fifty hours per week.

The offender must deliver his salary to the restitution center staff who must distribute it in the following manner:

(1) restitution to the victim or payment to the account established pursuant to the Victims of Crime Act of 1984, Public Law 98‑473, Title II, Chapter XIV, Section 1404, as ordered by the court;

(2) payment of child support or alimony or other sums as ordered by a court;

(3) payment of any fines or court fees due;

(4) payment of a daily fee for housing and food. This fee may be set by the department with the approval of the State Budget and Control Board. The fee must be based on the offender’s ability to pay not to exceed the actual costs. This fee must be deposited by the department with the State Treasurer for credit to the same account as funds collected under Sections 14‑1‑210 through 14‑1‑230;

(5) payment of any costs incurred while in the restitution center;

(6) if available, fifteen dollars per week for personal items.

The remainder must be deposited and given to the offender upon his discharge.

The offender must be in the restitution center for not more than six months, nor less than three months; provided, however, in those cases where the maximum term is less than one year the offender must be in the restitution center for not more than ninety days nor less than forty‑five days.

Upon release from the restitution center, the offender must be placed on probation for a term as ordered by the court.

Failure to comply with program requirements may result in a request to the court to revoke the suspended sentence.

No person must be made ineligible for this program by reason of gender.

Section 24‑21‑485. In order for the ~~department~~ Division of Probation, Parole and Pardon Services to establish and maintain restitution centers, the director may:

(1) develop policies and procedures for the operation of restitution centers;

(2) fund other management options advantageous to the State including, but not limited to, contracting with public or nonpublic entities for management of restitution centers;

(3) lease buildings;

(4) develop standards for disciplinary rules to be imposed on residents of restitution centers;

(5) develop standards for the granting of emergency furloughs to participants.

Section 24‑21‑490. (A) The ~~Department~~ Division of Probation, Parole and Pardon Services shall collect and distribute restitution on a monthly basis from all offenders under probationary and intensive probationary supervision.

(B) Notwithstanding Section 14‑17‑725, the ~~department~~ division shall assess a collection fee of twenty percent of each restitution program and deposit this collection fee into a separate account. The ~~department~~ division shall maintain individual restitution accounts that reflect each transaction and the amount paid, the collection fee, and the unpaid balance of the account. A summary of these accounts must be reported to the Governor’s Office, the President of the Senate, the Speaker of the House, the Chairman of the House Judiciary Committee, and the Chairman of the Senate Corrections and Penology Committee every six months following the enactment of this section.

(C) The ~~department~~ division may retain the collection fees described in subsection (B) and expend the fees for the purpose of collecting and distributing restitution. Unexpended funds at the end of each fiscal year may be retained by the department and carried forward for use for the same purpose by the department.

(D) For financial obligations collected by the ~~department~~ division pursuant to administrative monitoring requirements, payments shall be distributed by the department proportionately to pay restitution and fees based on the ratio of each category to the total financial obligation owed. Fines shall continue to be paid and collected pursuant to the provisions of Chapter 17, Title 14.

Article 6

Comprehensive Community Control System

Section 24‑21‑510. The ~~department~~ Division of Probation, Parole and Pardon Services shall develop and operate a comprehensive community control system if the General Assembly appropriates sufficient funds. The system shall include community control centers and sentencing options as a condition of probation, and utilize all sentencing options set forth in Chapter 21, ~~of~~ Title 24.

Section 24‑21‑540. The ~~department~~ Division of Probation, Parole and Pardon Services shall develop and operate Community Control Centers for higher risk offenders, if the General Assembly appropriates funds to operate the centers. If the ~~department~~ division has recommended the placement, offenders may be placed in a center for not less than thirty days nor more than six months by a judge as a condition of probation or as an alternative to probation revocation, or by the board as a condition of parole or as an alternative to parole revocation. An offender may not be placed in the center for more than six months on the same crime. There must not be consecutive sentencing to a Community Control Center.

Section 24‑21‑550. A probation term ordered to end upon the payment of fines, court costs, assessments, and restitution must continue until the clerk of court certifies in writing that all monies have been paid, or the probation term has expired, or the expiration of probation has been changed by a subsequent order.

Section 24‑21‑560. (A) Notwithstanding ~~any other~~ another provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, any sentence for a ‘no parole offense’ as defined in Section 24‑13‑100 must include any term of incarceration and completion of a community supervision program operated by the ~~Department~~ Division of Probation, Parole~~,~~ and Pardon Services. No prisoner who is serving a sentence for a ‘no parole offense’ is eligible to participate in a community supervision program until he has served the minimum period of incarceration as set forth in Section 24‑13‑150. Nothing in this section may be construed to allow a prisoner convicted of murder or a prisoner prohibited from early release, discharge, or work release by any other provision of law to be eligible for early release, discharge, or work release.

(B) A community supervision program operated by the ~~Department~~ Division of Probation, Parole and Pardon Services must last no more than two continuous years. The period of time a prisoner is required to participate in a community supervision program and the individual terms and conditions of a prisoner’s participation shall be at the discretion of the department based upon guidelines developed by the director; however, the conditions of participation must include the requirement that the offender must permit the search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, and any of the offender’s possessions by:

(1) any probation agent employed by the ~~Department~~ Division of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer, but the conditions for participation for an offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause, of the offender’s person, any vehicle the offender owns or is driving, or any of the offender’s possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this subsection, the law enforcement officer seeking to conduct the search or seizure must verify with the ~~Department~~ Division of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently in a community supervision program. A law enforcement officer conducting a search or seizure without a warrant pursuant to this subsection shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the ~~Department~~ Division of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the ~~Department~~ Divison of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this subsection, he is subject to discipline pursuant to the employing agency’s policies and procedures.

A prisoner participating in a community supervision program must be supervised by a probation agent of the ~~department~~ division. The ~~department~~ division must determine when a prisoner completes a community supervision program, violates a term of community supervision, fails to participate in a program satisfactorily, or whether a prisoner should appear before the court for revocation of the community supervision program.

(C) If the ~~department~~ division determines that a prisoner has violated a term of the community supervision program and the community supervision should be revoked, a probation agent must initiate a proceeding in General Sessions Court. The proceeding must be initiated pursuant to a warrant or a citation issued by a probation agent setting forth the violations of the community supervision program. The court shall determine whether:

(1) the terms of the community supervision program are fair and reasonable;

(2) the prisoner has complied with the terms of the community supervision program;

(3) the prisoner should continue in the community supervision program under the current terms;

(4) the prisoner should continue in the community supervision program under other terms and conditions as the court considers appropriate;

(5) the prisoner has wilfully violated a term of the community supervision program.

If the court determines that a prisoner has wilfully violated a term or condition of the community supervision program, the court may impose any other terms or conditions considered appropriate and may continue the prisoner on community supervision, or the court may revoke the prisoner’s community supervision and impose a sentence of up to one year for violation of the community supervision program. A prisoner who is incarcerated for revocation of the community supervision program is not eligible to earn any type of credits which would reduce the sentence for violation of the community supervision program.

(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~~ division 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 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.

(E) A prisoner who successfully completes a community supervision program pursuant to this section has satisfied his sentence and must be discharged from his sentence.

(F) The Department of Corrections must notify ~~the Department~~ its Division of Probation, Parole~~,~~ and Pardon Services of the projected release date of any inmate serving a sentence for a ‘no parole offense’ one hundred eighty days in advance of his release to community supervision. For an offender sentenced to one hundred eighty days or less, the Department of Corrections immediately must notify ~~the Department~~ the Division of Probation, Parole~~,~~ and Pardon Services.

(G) Victims registered pursuant to Article 15, Chapter 3, Title 16 and the sheriff’s office in the county where a prisoner sentenced for a ‘no parole offense’ is to be released must be notified by the ~~Department~~ Division of Probation, Parole~~,~~ and Pardon Services when the prisoner is released to a community supervision program.

Article 7

Parole; Release for Good Conduct

Section 24‑21‑610. In all cases cognizable ~~under~~ pursuant to this chapter the ~~Board~~ board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, parole a prisoner convicted of a crime and imprisoned in the state penitentiary, in any jail, or upon the public works of any county who if:

(1) sentenced for not more than thirty years has served at least one‑third of the term;

(2) sentenced to life imprisonment or imprisonment for any period in excess of thirty years, has served at least ten years.

If after January 1, 1984, the ~~Board~~ board finds that the statewide case classification system provided for in Chapter 23 of this title has been implemented, that an intensive supervision program for parolees who require more than average supervision has been implemented, that a system for the periodic review of all parole cases in order to assess the adequacy of supervisory controls and of parolee participation in rehabilitative programs has been implemented, and that a system of contracted rehabilitative services for parolees is being furnished by public and private agencies, then in all cases cognizable under this chapter the ~~Board~~ board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, to the victim or victims, if any, of the crime, and to the sheriff of the county where the prisoner resides or will reside, parole a prisoner who if sentenced for a violent crime as defined in Section 16‑1‑60, has served at least one‑third of the term or the mandatory minimum portion of sentence, whichever is longer. For any other crime the prisoner shall have served at least one‑fourth of the term of a sentence or if sentenced to life imprisonment or imprisonment for any period in excess of forty years, has served at least ten years.

The provisions of this section do not affect the parole ineligibility provisions for murder, armed robbery, and drug trafficking as set forth respectively in Sections 16‑3‑20 and 16‑11‑330, and ~~subsection (e) of~~ Section 44‑53‑370(e).

In computing parole eligibility, no deduction of time may be allowed in any case for good behavior, but after June 30, 1981, there must be deductions of time in all cases for earned work credits, notwithstanding the provisions of Sections 16‑3‑20, 16‑11‑330, and 24‑13‑230.

Notwithstanding the provisions of this section, the ~~Board~~ board may parole any prisoner not sooner than one year ~~prior to~~ before the prescribed date of parole eligibility when, based on medical information furnished to it, the ~~Board~~ board determines that the physical condition of the prisoner concerned is so serious that he would not be reasonably expected to live for more than one year. Notwithstanding any other provision of this section or of law, no prisoner who has served a total of ten consecutive years or more in prison may be paroled until the ~~Board~~ board has first received a report as to his mental condition and his ability to adjust to life outside the prison from a duly qualified psychiatrist or psychologist.

Section 24‑21‑615. The board may not review the case of a prisoner convicted of a capital offense for the purpose of determining whether the person is entitled to any of the benefits provided in this chapter during the month of December of each year.

Section 24‑21‑620. Within the ninety‑day period preceding a prisoner having served one‑fourth of his sentence, the board, either acting in a three‑member panel or meeting as a full board, shall review the case, regardless of whether or not any application has been made therefor, for the purpose of determining whether or not such prisoner is entitled to any of the benefits provided for in this chapter; provided, that in cases of prisoners in confinement due to convictions for nonviolent crimes, an administrative hearing officer may be appointed by the director to review the case who must submit to the full board written findings of fact and recommendations which shall be the basis for a determination by the board. Upon an affirmative determination, the prisoner must be granted a provisional parole or parole. Upon a negative determination, the prisoner’s case shall be reviewed every twelve months thereafter for the purpose of such determination.

Section 24‑21‑630. For the purpose of determining the time required to be served by a prisoner before he shall be eligible to be considered for parole, notwithstanding any other provision of law, all prisoners shall be given benefit for time served in prison in excess of three months while awaiting trial or between trials.

Section 24‑21‑635. For the purpose of determining the time required to be served by a prisoner before he shall be eligible to be considered for parole, notwithstanding any other provision of law, all prisoners shall be given benefit of earned work credits awarded pursuant to Section 24‑13‑230.

Section 24‑21‑640. The board must carefully consider the record of the prisoner before, during, and after imprisonment, and no such prisoner may be paroled until it appears to the satisfaction of the board: that the prisoner has shown a disposition to reform; that in the future he will probably obey the law and lead a correct life; that by his conduct he has merited a lessening of the rigors of his imprisonment; that the interest of society will not be impaired thereby; and that suitable employment has been secured for him.

Before an inmate may be released on parole, he must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

(1) any probation agent employed by the ~~Department~~ Division of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

An inmate may not be granted parole release by the board if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, or any of the inmate’s possessions.

Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the ~~Department~~ Division of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the ~~Department~~ Division of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the ~~Department~~ Division of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

The board must establish written, specific criteria for the granting of parole and provisional parole. This criteria must reflect all of the aspects of this section and include a review of a prisoner’s disciplinary and other records. The criteria must be made available to all prisoners at the time of their incarceration and the general public. The paroled prisoner must, as often as may be required, render a written report to the board giving that information as may be required by the board which must be confirmed by the person in whose employment the prisoner may be at the time. The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in Section 16‑1‑60. Provided that where more than one included offense shall be committed within a one‑day period or pursuant to one continuous course of conduct, such multiple offenses must be treated for purposes of this section as one offense.

Any part or all of a prisoner’s in‑prison disciplinary records and, with the prisoner’s consent, records involving all awards, honors, earned work credits and educational credits, are subject to the Freedom of Information Act as contained in Chapter 4, Title 30.

Section 24‑21‑645. (A) The board may issue an order authorizing the parole which must be signed either by a majority of its members or by all three members meeting as a parole panel on the case ninety days prior to the effective date of the parole; however, at least two‑thirds of the members of the board must authorize and sign orders authorizing parole for persons convicted of a violent crime as defined in Section 16‑1‑60. A provisional parole order shall include the terms and conditions, if any, to be met by the prisoner during the provisional period and terms and conditions, if any, to be met upon parole.

(B) The conditions of parole must include the requirement that the parolee must permit the search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, and any of the parolee’s possessions by:

(1) any probation agent employed by the ~~Department~~ Division of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

However, the conditions of parole for a parolee who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions.

(C) By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the ~~Department~~ Division of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the ~~Department~~ Division of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the ~~Department~~ Division of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

(D) Upon satisfactory completion of the provisional period, the director or one lawfully acting for him must issue an order which, if accepted by the prisoner, shall provide for his release from custody. However, upon a negative determination of parole, prisoners in confinement for a violent crime as defined in Section 16‑1‑60 must have their cases reviewed every two years for the purpose of a determination of parole, except that prisoners who are eligible for parole pursuant to Section 16‑25‑90, and who are subsequently denied parole must have their cases reviewed every twelve months for the purpose of a determination of parole. This subsection applies retroactively to a prisoner who has had a parole hearing pursuant to Section 16‑25‑90 prior to the effective date of this act.

Section 24‑21‑650. The board shall issue an order authorizing the parole which must be signed by at least a majority of its members with terms and conditions, if any, but at least two‑thirds of the members of the board must sign orders authorizing parole for persons convicted of a violent crime as defined in Section 16‑1‑60. The director, or one lawfully acting for him, then must issue a parole order which, if accepted by the prisoner, provides for his release from custody. Upon a negative determination of parole, prisoners in confinement for a violent crime as defined in Section 16‑1‑60 must have their cases reviewed every two years for the purpose of a determination of parole.

Section 24‑21‑660. Any prisoner who has been paroled is subject during the remainder of his original term of imprisonment, up to the maximum, to the conditions and restrictions imposed in the order of parole or by law imposed. Every such paroled prisoner must remain in the jurisdiction of the board and may at any time on the order of the board, be imprisoned as and where therein designated.

Section 24‑21‑670. Any prisoner who may be paroled under authority of this chapter shall continue on parole until the expiration of the maximum term or terms specified in his sentence without deduction of such allowance for good conduct as may be provided for by law.

Section 24‑21‑680. Upon failure of any prisoner released on parole under the provisions of this chapter to do or refrain from doing any of the things set forth and required to be done by and under the terms of his parole, the parole agent must issue a warrant or citation charging the violation of parole, and a final determination must be made by the board as to whether the prisoner’s parole should be revoked and whether he should be required to serve any part of the remaining unserved sentence. But such prisoner must be eligible to parole thereafter when and if the board thinks such parole would be proper. The board shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed; provided, that any person arrested for violation of terms of parole may be released on bond, for good cause shown, pending final determination of the violation by the Probation, Parole and Pardon Board. No bond shall be granted except by the presiding or resident judge of the circuit wherein the prisoner is arrested, or, if there be no judge within such circuit, by the judge, presiding or resident, in an adjacent circuit, and the judge granting the bond shall determine the amount thereof.

Section 24‑21‑690. Any person who shall have served the term for which he has been sentenced less deductions allowed therefrom for good conduct shall, upon release, be treated as if he had served the entire term for which he was sentenced.

Section 24‑21‑700. Any prisoner who is otherwise eligible for parole under the provisions of this article, except that his mental condition is deemed by the ~~Probation, Pardon and Parole~~ Board of Probation, Parole and Pardon Services to be such that he should not be released from confinement may, subject to approval by the Veterans Administration, be released to the custody of the Veterans Administration or to a committee appointed to commit such prisoner to a Veterans Administration Hospital. Such a special parole shall be granted in the sole discretion of the ~~Board~~ board and, when so paroled, a prisoner shall be transferred directly from his place of confinement to a Veterans Administration Hospital which provides psychiatric care. When any prisoner paroled for psychiatric treatment is determined to be in a suitable condition to be released, he shall not be returned to penal custody except for a subsequent violation of the conditions of his parole.

Section 24‑21‑710. (A) Film, videotape, or other electronic information that is both visual and aural, submitted pursuant to this section, must be considered by the Board of Probation, Parole~~,~~ and Pardon Services in making its determination of parole.

(B) Upon receipt of the notice required by law, the following people may submit electronic information:

(1) the victim of the crime for which the prisoner has been sentenced;

(2) the prosecuting solicitor’s office; and

(3) the person whose parole is being considered.

(C) The person submitting the electronic information shall provide the Board of Probation, Parole~~,~~ and Pardon Services with the following:

(1) identification of each voice heard and each person seen;

(2) a visual or aural statement of the date the information was recorded; and

(3) the name of the person whose parole eligibility is being considered.

(D) If the film, videotape, or other electronic information is retained by the board, it may be submitted at subsequent parole hearings each time that the submitting person provides a written statement declaring that the information represents the present position of the person who is submitting the information.

(E) The Department of Corrections may install, maintain, and operate a two‑way closed circuit television system in one or more correctional institutions of the department that confines persons eligible for parole. The Board of Probation, Parole and Pardon Services shall install, maintain, and operate closed circuit television systems at locations determined by the board and conduct parole hearings by means of a two‑way closed circuit television system provided in this section. A victim of a crime must be allowed access to this system to appear before the board during a parole hearing.

(F) Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.

(G) The ~~director~~ Director of the ~~Department of~~ Division of Probation, Parole~~,~~ and Pardon Services may develop written policies and procedures for parole hearings to be held pursuant to this section.

(H) The Board of Probation, Parole~~,~~ and Pardon Services is not required to install, maintain, or operate film, videotape, or other electronic equipment to record a victim’s testimony to be presented to the board.

Section 24‑21‑715. (A) As contained in this section:

(1) ‘Terminally ill’ means an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate terminally ill, and that will likely produce death within two years, and that is so debilitating that the inmate does not pose a public safety risk.

(2) ‘Geriatric’ means an inmate who is seventy years of age or older and suffers from chronic infirmity, illness, or disease related to aging, which has progressed so the inmate is incapacitated as determined by a licensed physician to the extent that the inmate does not pose a public safety risk.

(3) ‘Permanently incapacitated’ means an inmate who no longer poses a public safety risk because of a medical condition that is not terminal but that renders him permanently and irreversibly incapacitated as determined by a licensed physician and which requires immediate and long term residential care.

(B) Notwithstanding another provision of law, only the full parole board, upon a petition filed by the Director of the Department of Corrections, may order the release of an inmate who is terminally ill, geriatric, permanently incapacitated, or any combination of these conditions.

(C) The parole order issued by the parole board pursuant to this section must include findings of fact that substantiate a legal and medical conclusion that the inmate is terminally ill, geriatric, permanently incapacitated, or a combination of these conditions, and does not pose a threat to society or himself. It also must contain the requirements for the inmate’s supervision and conditions for his participation and removal.

(D) An inmate granted a parole pursuant to this section is under the supervision of the ~~Department~~ Division of Probation, Parole and Pardon Services. The inmate must reside in an approved residence and abide by all conditions ordered by the parole board. The department is responsible for supervising an inmate’s compliance with the conditions of the parole board’s order as well as monitoring the inmate in accordance with the ~~department’s~~ division’s policies.

(E) The ~~department~~ division shall retain jurisdiction for all matters relating to the parole granted pursuant to this section and conduct an annual review of the inmate’s status to ensure that he remains eligible for parole pursuant to this section. If the department determines that the inmate is no longer eligible to participate in the parole set forth in this section, a probation agent must issue a warrant or citation charging a violation of parole and the board shall proceed pursuant to the provisions of Section 24‑21‑680.

Article 11

Pardons; Commutation of Death Sentences

Section 24‑21‑910. The Board of Probation, Parole~~,~~ and Pardon Services ~~Board~~ shall consider all petitions for reprieves or the commutation of a sentence of death to life imprisonment which may be referred to it by the Governor and shall make its recommendations to the Governor regarding the petitions. The Governor may or may not adopt the recommendations but in case he does not he shall submit his reasons for not doing so to the General Assembly. The Governor may act on any petition without reference to the board.

Section 24‑21‑920. In all other cases than those referred to in Section 24‑21‑910 the right of granting clemency shall be vested in the ~~Board~~ board.

Section 24‑21‑930. An order of pardon must be signed by at least two‑thirds of the members of the board. Upon the issue of the order by the board, the director, or one lawfully acting for him, must issue a pardon order which provides for the restoration of the pardon applicant’s civil rights.

Section 24‑21‑940. ~~A.~~ (A) ‘Pardon’means that an individual is fully pardoned from all the legal consequences of his crime and of his conviction, direct and collateral, including the punishment, whether of imprisonment, pecuniary penalty or whatever else the law has provided.

~~B.~~ (B) ‘Successful completion of supervision’ as used in this article shall mean free of conviction of any type other than minor traffic offenses.

Section 24‑21‑950. (A) The following guidelines must be utilized by the board when determining when an individual is eligible for pardon consideration.

(1) Probationers must be considered upon the request of the individual anytime after discharge from supervision.

(2) Persons discharged from a sentence without benefit of parole must be considered upon the request of the individual anytime after the date of discharge.

(3) Parolees must be considered for a pardon upon the request of the individual anytime after the successful completion of five years under supervision. Parolees successfully completing the maximum parole period, if less than five years, must be considered for pardon upon the request of the individual anytime after the date of discharge.

(4) An inmate must be considered for pardon before a parole eligibility date only when he can produce evidence comprising the most extraordinary circumstances.

(5) The victim of a crime or a member of a convicted person’s family living within this State may petition for a pardon for a person who has completed supervision or has been discharged from a sentence.

(B) Persons discharged from a sentence without benefit of supervision must be considered upon the request of the individual anytime after the date of discharge.

Section 24‑21‑960. (A) Each pardon application must be accompanied with a pardon application fee of one hundred dollars. The pardon application fee must be retained and applied by the ~~department~~ Division of Probation, Parole and Pardon Services toward the pardon process.

(B) Any individual who has an application for pardon considered but denied, must wait one year from the date of denial before filing another pardon application and fee.

Section 24‑21‑970. Consideration shall be given to any inmate afflicted with a terminal illness where life expectancy is one year or less.

Section 24‑21‑980. Once delivered, a pardon cannot be revoked unless it was obtained through fraud. If a pardon is obtained through fraud, it is void.

Section 24‑21‑990. A pardon shall fully restore all civil rights lost as a result of a conviction, which shall include the right to:

(1) register to vote;

(2) vote;

(3) serve on a jury;

(4) hold public office, except as provided in Section 16‑13‑210;

(5) testify without having the fact of his conviction introduced for impeachment purposes to the extent provided by Rule 609(c) of the South Carolina Rules of Evidence;

(6) not have his testimony excluded in a legal proceeding if convicted of perjury; and

(7) be licensed for any occupation requiring a license.

Section 24‑21‑1000. For those applicants to be granted a pardon, a certificate of pardon shall be issued by the ~~Board~~ board stating that the individual is absolved from all legal consequences of his crime and conviction, and that all of his civil rights are restored.

Article 12

Interstate Compact for Adult Offender Supervision

Section 24‑21‑1100. This article may be cited as the ‘Interstate Compact for Adult Offender Supervision’.

Section 24‑21‑1105. The purpose of this compact and the Interstate Commission created under it, through means of joint and cooperative action among the compacting states, is to:

(1) promote public safety by providing adequate supervision in the community of adult offenders who are subject to the compact;

(2) provide a means for tracking offenders subject to supervision under this compact;

(3) provide a means of transferring supervision authority in an orderly and efficient manner;

(4) provide a means of returning offenders to the originating jurisdictions when necessary;

(5) provide a means for giving timely notice to victims of the location of offenders subject to supervision under this compact;

(6) distribute the costs, benefits, and obligations of this compact equitably among the compacting states;

(7) establish a system of uniform data collection for offenders subject to supervision under this compact and to allow access to information by authorized criminal justice officials;

(8) monitor compliance with rules established under this compact; and

(9) coordinate training and education regarding regulations relating to the interstate movement of offenders, for officials involved in this activity.

Section 24‑21‑1110. As used in this compact, unless the context clearly requires a different construction:

(A) ‘Adult’ means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

(B) ‘By‑laws’ mean those by‑laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

(C) ‘Compact administrator’ means the individual in each compacting state appointed to administer and manage the state’s supervision and transfer of offenders subject to the terms of this compact and the rules adopted by the Interstate Commission.

(D) ‘Compacting state’ means any state which has enacted the enabling legislation for this compact.

(E) ‘Commissioner’ means the voting representative of each compacting state appointed pursuant to Section 24‑21‑1120 and this compact.

(F) ‘Interstate Commission’ means the Interstate Commission for Adult Offender Supervision.

(G) ‘Member’ means the commissioner of a compacting state or designee, who must be a person officially connected with the commissioner.

(H) ‘Noncompacting state’ means a state which has not enacted the enabling legislation for this compact.

(I) ‘Offender’ means an adult placed under, or subject to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of a court, paroling authority, corrections, or other criminal justice agency.

(J) ‘Person’ means any individual, corporation, business enterprise, or other legal entity, either public or private.

(K) ‘Rules’ means acts of the Interstate Commission, promulgated pursuant to Section 24‑21‑1160 of this compact, substantially affecting interested parties in addition to the Interstate Commission, which have the force and effect of law in the compacting states.

(L) ‘State’ means a state of the United States, the District of Columbia, and any territorial possession of the United States.

(M) ‘State Council’ means the resident members of the state council for Interstate Adult Offender Supervision created by each state under Section 24‑21‑1120.

Section 24‑21‑1120. (A) The compacting states hereby create the ‘Interstate Commission for Adult Offender Supervision’. The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers, and duties contained in this article, including the power to sue and be sued, and any additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(B)(1) The Interstate Commission shall consist of commissioners selected and appointed by the compacting states. The Governor shall appoint as commissioner from the State of South Carolina the Director of the South Carolina Department of Corrections, the Division of Probation, Parole and Pardon Services, or his designee. The commissioner, acting jointly with similar officers appointed in other states, shall promulgate rules and regulations necessary to effectively carry out the terms of this compact.

(2) The Director of the ~~South Carolina Department of~~ Division of Probation, Parole and Pardon Services, or his designee, must serve as Compact Administrator for the State of South Carolina.

(3) The Director of the Division of Probation, Parole and Pardon Services must establish a state council for Interstate Adult Offender Supervision. The membership of the state council must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. The state council shall act as an advisory body to the commissioner regarding the activities of the state’s interstate compact office, engage in advocacy activities concerning the state’s participation in interstate commission activities, and perform other duties determined by the commissioner.

(C) In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. The noncommissioner members must include a member of the National Organization of Governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the Interstate Commission shall be ~~ex‑officio~~ ex officio nonvoting members. The Interstate Commission may provide in its by‑laws for additional ~~ex‑officio~~ ex officio nonvoting members as it considers necessary.

(D) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by‑laws of the Interstate Commission.

(E) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty‑seven or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(F) The Interstate Commission shall establish an Executive Committee which shall include commission officers, members, and others as shall be determined by the by‑laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of making rules and amendments to the compact. The Executive Committee shall oversee the day‑to‑day activities managed by the ~~Executive Director~~ executive director and Interstate Commission staff. It shall administer enforcement and compliance with the provisions of the compact, its by‑laws, and as directed by the Interstate Commission and perform other duties as directed by the commission or set forth in the by‑laws.

Section 24‑21‑1130. The Interstate Commission shall have the following powers:

(1) to adopt a seal and suitable by‑laws governing the management and operation of the Interstate Commission;

(2) to promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(3) to oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any by‑laws adopted and rules promulgated by the compact commission;

(4) to enforce compliance with compact provisions, Interstate Commission rules, and bylaws using all necessary and proper means including, but not limited to, the use of the judicial process;

(5) to establish and maintain offices;

(6) to purchase and maintain insurance and bonds;

(7) to borrow, accept, or contract for services of personnel including, but not limited to, members and their staffs;

(8) to establish and appoint committees and hire staff which it considers necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Section 24‑21‑1120(F) which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(9) to elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications, and to establish the Interstate Commission’s personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

(10) to accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of them;

(11) to lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any real, personal, or mixed property;

(12) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property;

(13) to establish a budget and make expenditures and levy dues as provided in Section 24‑21‑1180;

(14) to sue and be sued;

(15) to provide for dispute resolution among compacting states;

(16) to perform the functions as may be necessary or appropriate to achieve the purposes of this compact;

(17) to report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. The reports shall also include any recommendations that may have been adopted by the Interstate Commission;

(18) to coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in this activity; and

(19) to establish uniform standards for the reporting, collecting, and exchanging of data.

Section 24‑21‑1140. (A) The Interstate Commission, by a majority of the members, within twelve months of the first Interstate Commission meeting, shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact including, but not limited to:

(1) establishing the fiscal year of the Interstate Commission;

(2) establishing an executive committee and other committees as may be necessary;

(3) providing reasonable standards and procedures for the establishment of committees and governing any general or specific delegation of any authority or function of the Interstate Commission;

(4) providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each meeting;

(5) establishing the titles and responsibilities of the officers of the Interstate Commission;

(6) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of a compacting state, the bylaws shall exclusively govern the personnel policies and programs of the Interstate Commission;

(7) providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment reserving of all of its debts and obligations;

(8) providing transition rules for ‘start up’ administration of the compact; and

(9) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

(B)(1) The Interstate Commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have the authorities and duties as may be specified in the bylaws. The chairperson or, in his or her absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided, that subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for a period, upon terms and conditions and for compensation as the Interstate Commission considers appropriate. The executive director shall serve as secretary to the Interstate Commission and hire and supervise other staff as may be authorized by the Interstate Commission. The executive director is not a member of the Interstate Commission.

(C) The Interstate Commission shall maintain its corporate books and records in accordance with the by‑laws.

(D)(1) The members, officers, executive director, and employees of the Interstate Commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that nothing in this subsection may be construed to protect any person from liability for any damage, loss, injury, or liability caused by the person’s intentional, ~~willful~~ wilful, or wanton misconduct.

(2) The Interstate Commission shall defend the commissioner of a compacting state, or his or her representatives or employees, or the Interstate Commission’s representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of that person.

(3) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the Interstate Commission’s representatives or employees harmless in the amount of any settlement or judgment obtained against the persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of that person.

Section 24‑21‑1150. (A) The Interstate Commission shall meet and take such actions as are consistent with the provisions of this compact.

(B) Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, the act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

(C) Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the State and shall not delegate a vote to another member state. However, a state council may appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members’ participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication is subject to the same quorum requirements of meetings where members are present in person.

(D) The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(E) The Interstate Commission’s bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating these rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

(F) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the ‘Government in Sunshine Act’, 5 U.S.C. Section 552(b), as amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two‑thirds vote that an open meeting would be likely to:

(1) relate solely to the Interstate Commission’s internal personnel practices and procedures;

(2) disclose matters specifically exempted from disclosure by statute;

(3) disclose trade secrets or commercial or financial information which is privileged or confidential;

(4) involve accusing a person of a crime or formally censuring a person;

(5) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) disclose investigatory records compiled for law enforcement purposes;

(7) disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of that entity;

(8) disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or

(9) specifically relate to the Interstate Commission’s issuance of a subpoena or its participation in a civil action or proceeding.

(G) For every meeting closed pursuant to this provision, the Interstate Commission’s chief legal officer shall publicly certify that, in counsel’s opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action must be identified in the minutes.

(H) The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection and data exchange, and reporting requirements.

Section 24‑21‑1160. (A) The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

(B) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. The rulemaking shall substantially conform to the principles of the federal Administrative Procedures Act, 5 U.S.C.~~S.~~ Section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.~~S.~~ app. 2, Section 1 et seq., as amended (hereinafter ‘APA’).

(C) All rules and amendments shall become binding as of the date specified in each rule or amendment.

(D) If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule shall have no further force and effect in any compacting state.

(E) When promulgating a rule, the Interstate Commission shall:

(1) publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule;

(2) allow persons to submit written data, facts, opinions, and arguments, which information must be publicly available;

(3) provide an opportunity for an informal hearing; and

(4) promulgate a final rule and its effective date, if appropriate, based on the rulemaking record.

(F) Not later than sixty days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the Interstate Commission’s principal office is located for judicial review of the rule. If the court finds that the Interstate Commission’s action is not supported by substantial evidence, as defined in the APA, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(G) Subjects to be addressed within twelve months after the first meeting must at a minimum include:

(1) notice to victims and opportunity to be heard;

(2) offender registration and compliance;

(3) violations and returns;

(4) transfer procedures and forms;

(5) eligibility for transfer;

(6) collection of restitution and fees from offenders;

(7) data collection and reporting;

(8) the level of supervision to be provided by the receiving state;

(9) transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and

(10) mediation, arbitration, and dispute resolution.

The existing rules governing the operation of the previous compact superseded by this act shall be null and void twelve months after the first meeting of the Interstate Commission created hereunder.

(H) Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.

Section 24‑21‑1170. (A) The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(B) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any proceeding and shall have standing to intervene in the proceeding for all purposes.

(1) The compacting states shall report to the Interstate Commission on issues or activities of concern to them, cooperate with, and support the Interstate Commission in the discharge of its duties and responsibilities.

(2) The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and noncompacting states.

(3) The Interstate Commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(C) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Section 24‑21‑1200(B).

Section 24‑21‑1180. (A) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(B) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff that must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the State and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states which governs the assessment.

(C) The Interstate Commission shall not incur any obligations of any kind ~~prior to~~ before securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(D) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission must be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the Interstate Commission.

Section 24‑21‑1190. (A) Any state is eligible to become a compacting state.

(B) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty‑five of the states. The initial effective date must be the later of July 1, 2001, or upon enactment into law by the thirty‑fifth jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis ~~prior to~~ before adoption of the compact by all states and territories of the United States.

(C) Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

Section 24‑21‑1200. (A)(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact by enacting a statute specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state.

(4) The Interstate Commission shall notify the other compacting states of the withdrawing state’s intent to withdraw within sixty days of its receipt thereof.

(5) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of withdrawal.

(6) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon a later date as determined by the Interstate Commission.

(B)(1) If the Interstate Commission determines that any compacting state has at a time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(a) fines, fees, and costs in amounts as are considered reasonable as fixed by the Interstate Commission;

(b) remedial training and technical assistance as directed by the Interstate Commission; or

(c) suspension and termination of membership in the compact. Suspension must be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension must be given by the Interstate Commission to the Governor, the Chief Justice of the State, the majority and minority leaders of the defaulting state’s legislature, and the state commissions. The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, Interstate Commission bylaws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact must be terminated from the effective date of suspension.

(2) Within sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice, the majority and minority leaders of the defaulting state’s legislature, and the state commissioners of the termination.

(3) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(4) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(5) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

(C) The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and by‑laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation including reasonable attorney fees.

(D)(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and of no further force or effect, and the business and affairs of the Interstate Commission must be wound up, and any surplus funds must be distributed in accordance with the bylaws.

Section 24‑21‑1210. (A) The provisions of this compact must be severable, and if a phrase, clause, sentence, or provision is considered unenforceable, the remaining provisions of the compact must be enforceable.

(B) The provisions of this compact must be liberally constructed to effectuate its purposes.

Section 24‑21‑1220. (A)(1) Nothing in this article prevents the enforcement of another law of a compacting state that is consistent with this compact.

(2) All compacting states’ laws conflicting with this compact are superseded to the extent of the conflict.

(B)(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding the meaning or interpretation.

(4) In the event a provision of this compact exceeds the constitutional limits imposed on the legislature of a compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by the provision upon the Interstate Commission must be ineffective and the obligations, duties, powers, or jurisdiction must remain in the compacting state and must be exercised by the agency to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Article 13

Day Reporting Centers

Section 24‑21‑1300. (A) The ~~Department of~~ Division of Probation, Parole and Pardon Services may develop and operate day reporting centers within the State.

(B) ‘Day reporting center’ means a state facility providing supervision of inmates or offenders placed on supervision, which includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, and any other conditions as determined by the Department of Corrections and ~~the~~ ~~Department~~ its Division of Probation, Parole and Pardon Services.

(C) ‘Eligible inmate’ means a person sentenced to imprisonment for more than three months, excluding a person sentenced for:

(1) a violent crime, as provided for in Section 16‑1‑60;

(2) a Class A, B, or C felony, as provided for in Section 16‑1‑20;

(3) the following Class D felonies:

(a) robbery, as provided for in Section 16‑11‑325;

(b) disseminating obscene material to a minor twelve years of age or younger, as provided for in Section 16‑15‑355; and

(c) aggravated stalking, as provided for in Section 16‑3‑1730(C);

(4) an unclassified crime which carries a maximum term of imprisonment of fifteen years or more, as provided for in Section 16‑1‑10(D);

(5) the unclassified crime of assault and battery of a high and aggravated nature in which the original indictment was for an offense that would require registration as a sex offender, as provided for in Section 23‑3‑430; or

(6) a crime which requires a registration as a sex offender, as provided for in Section 23‑3‑430. ‘Eligible inmate’ does not include a person who does not provide an approved in‑state residence as determined ~~jointly~~ by the Department of Corrections and ~~the Department~~ its Division of Probation, Parole and Pardon Services.

(D) ‘Eligible offender’ means a person placed on probation, parole, community supervision, or any other supervision program operated by the ~~Department of~~ Division of Probation, Parole and Pardon Services, excluding a person sentenced for:

(1) a violent crime, as provided for in Section 16‑1‑60;

(2) a Class A, B, or C felony, as provided for in Section 16‑1‑20;

(3) the following Class D felonies:

(a) robbery, as provided for in Section 16‑11‑325;

(b) disseminating obscene material to a minor twelve years of age or younger, as provided for in Section 16‑15‑355; and

(c) aggravated stalking, as provided for in Section 16‑3‑1730(C);

(4) an unclassified crime which carries a maximum term of imprisonment of fifteen years or more, as provided for in Section 16‑1‑10(D);

(5) the unclassified crime of assault and battery of a high and aggravated nature in which the original indictment was for an offense that would require registration as a sex offender, as provided for in Section 23‑3‑430; or

(6) a crime which requires a registration as a sex offender, as provided for in Section 23‑3‑430. ‘Eligible offender’ does not include a person who does not provide an approved in‑state residence as determined ~~jointly~~ by the Department of Corrections and ~~the Department~~ its Division of Probation, Parole and Pardon Services.

Section 24‑21‑1310. (A) Notwithstanding another provision of law, the ~~Department~~ Division of Probation, Parole and Pardon Services may develop and operate day reporting centers for eligible inmates and eligible offenders, if the General Assembly appropriates funds to operate these centers. The ~~Department~~ Division of Probation, Parole and Pardon Services shall develop policies, procedures, and guidelines for the operation of day reporting centers. The period of time an eligible inmate or offender is required to participate in a day reporting program and the individual terms and conditions of an eligible inmate’s or offender’s placement and participation are at the ~~joint~~ discretion of the Department of Corrections and the ~~Department~~ Division of Probation, Parole and Pardon Services.

(B) An inmate or offender has no right to be placed in a day reporting center. The Department of Corrections and ~~the Department~~ its Division of Probation, Parole and Pardon Serviceshave absolute discretion to place an eligible inmate or offender in a day reporting center and nothing in this article may be construed to entitle an inmate or offender to participate in a day reporting center program.

Section 24‑21‑1320. (A) An eligible inmate or offender placed in a day reporting center must agree to abide by the conditions established by the Department of Corrections and ~~the Department~~ its Division of Probation, Parole and Pardon Services, which may include, but are not limited to:

(1) seek and maintain employment;

(2) participate in any educational, vocational training, counseling, or mentoring program recommended by the department;

(3) refrain from using alcohol or nonprescription medication; and

(4) pay a reasonable supervision fee, which may be waived by the department, that must be retained by the department to assist in funding this program.

(B) An eligible inmate or offender who fails to abide by the conditions established by the Department of Corrections and ~~the Department~~ its Division of Probation, Parole and Pardon Services may be removed from the community and brought before an administrative hearing officer of the ~~Department of~~ Division of Probation, Parole and Pardon Services. The ~~Department~~ Division of Probation, Parole and Pardon Services is the sole authority for determining whether any condition has been violated and for determining the actions to be taken in response to the violation. A participant revoked from participation in a day reporting center may be subject to further criminal proceedings or the institution of internal disciplinary sanctions for violations of any conditions associated with his placement in the day reporting center program. An inmate who fails to report as instructed, or whose whereabouts are unknown, may be considered to be an escapee by the department and may be apprehended and returned to custody as any other inmate who is deemed an escapee by the department.

(C) If a sentence to a day reporting center is revoked, the inmate must serve the remainder of his sentence within the Department of Corrections.

Section 24‑21‑1330. The pilot project day reporting center program terminates twelve months from its opening, unless extended by the General Assembly.” /

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. J. H. NEAL demanded the yeas and nays which were taken, resulting as follows:

Yeas 82; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Bannister | Barfield |
| Battle | Bikas | Bingham |
| Bowen | Brady | Branham |
| Brannon | G. A. Brown | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Harrell |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Knight | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Brantley |
| H. B. Brown | Dillard | Gilliard |
| Hart | Hodges | Jefferson |
| King | Mack | Mitchell |
| Parks | Rutherford | Williams |

**Total--15**

So, the amendment was adopted.

Rep. HART proposed the following Amendment No. 2 (COUNCIL\SWB\5196CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Director of the Department of Corrections shall issue a progress report to each member of the General Assembly every ninety days regarding the consolidation of the Department of Corrections with the Department of Probation, Parole and Pardon services. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. HART spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. SELLERS moved to table the amendment.

Rep. SELLERS demanded the yeas and nays which were taken, resulting as follows:

Yeas 79; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Thayer | Tribble | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Dillard | Hart | Hodges |
| Howard | Jefferson | Mack |
| McEachern | Mitchell | Neilson |
| Rutherford | Whipper | Williams |

**Total--21**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 3 (COUNCIL\SWB\5194CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Director of the Department of Corrections shall issue a progress report to each member of the General Assembly every one hundred eighty days regarding the consolidation of the Department of Corrections with the Department of Probation, Parole and Pardon services. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment.

Rep. PITTS demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Bikas | Bowen | Brady |
| Branham | Brannon | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Daning | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hixon | Horne | Huggins |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Thayer | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Bowers |
| Brantley | G. A. Brown | H. B. Brown |
| Butler Garrick | Crosby | Dillard |
| Hart | Hodges | Howard |
| Jefferson | Mack | McLeod |
| Mitchell | J. E. Smith | Viers |
| Williams |  |  |

**Total--19**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 4 (COUNCIL\SWB\5195CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Director of the Department of Corrections shall issue a progress report to each member of the General Assembly every two hundred seventy days regarding the consolidation of the Department of Corrections with the Department of Probation, Parole and Pardon services. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. RUTHERFORD spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to by a division vote of 54 to 20.

Rep. HART proposed the following Amendment No. 5 (COUNCIL\SWB\5182CM11), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate who does not hold at least a high school diploma or a General Educational Development Diploma from its custody, must enroll the inmate in mandatory educational training that would prepare the inmate to successfully pass the General Educational Development test. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. HOWARD spoke in favor of the amendment.

The amendment was then adopted.

**ACTING SPEAKER HARRISON IN CHAIR**

Rep. HART proposed the following Amendment No. 6 (COUNCIL\SWB\5183CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must offer the inmate mandatory training that would result in the inmate becoming proficient in a trade to include, but not limited to, carpentry, plumbing, brick mason, heating and air conditioning, welding, automobile repair, barbering, or cosmetology. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to by a division vote of 50 to 22.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. HART proposed the following Amendment No. 7 (COUNCIL\SWB\5193CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, an employee of the Department of Corrections who earns at least fifty thousand dollars may not be terminated from employment as a result of the consolidation of the Department of Corrections with the Department of probation, Parole and Pardon Services. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 74; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Brady | Brannon |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bowers |
| Brantley | G. A. Brown | R. L. Brown |
| Dillard | Hart | Hodges |
| Howard | Jefferson | King |
| Mack | Mitchell | J. M. Neal |
| Neilson | Parks | Rutherford |
| J. E. Smith | Whipper | Williams |

**Total--21**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 8 (COUNCIL\SWB\5185CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate who has been evaluated to have a mental health disorder from its custody, must offer the inmate mandatory mental health counseling. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 9 (COUNCIL\SWB\5184CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must offer an inmate who has been evaluated to have a substance abuse addiction mandatory substance abuse counseling and treatment. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 68; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Neilson | Patrick | Pinson |
| Pitts | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Dillard |
| Govan | Hart | Hodges |
| Hosey | Jefferson | King |
| Mack | Mitchell | J. M. Neal |
| Parker | Pope | Rutherford |
| J. E. Smith | Whipper | Williams |

**Total--27**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 10 (COUNCIL\SWB\5186CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must enroll the inmate in a physical fitness program. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 11 (COUNCIL\SWB\5189CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must enroll the inmate in a mandatory family management counseling program. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 12 (COUNCIL\SWB\5190CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, must offer each of its employees training regarding every aspect of the consolidation of the Department of Corrections with the Department of Probation, Parole and Pardon Services. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 13 (COUNCIL\SWB\5188CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must enroll the inmate in a mandatory anger management counseling Program. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 14 (COUNCIL\SWB\5187CM11), which was tabled:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. After the effective date of this act, the Department of Corrections, before releasing an inmate from its custody, must enroll the inmate in a mandatory financial management counseling Program./

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 15 (COUNCIL\MS\7316AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. All cost savings realized from the consolidation of agencies as provided in this act must be reserved for and utilized exclusively to pay for the maintenance and operation of the following programs:

(1) mandatory educational training to prepare an inmate to successfully pass the general education developmental test;

(2) mandatory training for an inmate to learn a trade;

(3) mandatory substance abuse and treatment for an inmate evaluated to have a substance abuse addiction;

(4) mandatory mental health counseling for an inmate evaluated to have a mental health disorder;

(5) mandatory physical fitness program;

(6) mandatory financial management counseling program;

(7) mandatory anger management counseling program;

(8) mandatory family management counseling program; and

(9) mandatory training for employees of the Department of Corrections regarding the consolidation as provided in this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment.

Rep. WHIPPER demanded the yeas and nays which were taken, resulting as follows:

Yeas 80; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | G. A. Brown | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bales |
| R. L. Brown | Butler Garrick | Dillard |
| Hart | Hosey | Jefferson |
| King | Mack | McEachern |
| Mitchell | Sabb | Whipper |
| Williams |  |  |

**Total--16**

So, the amendment was tabled.

**AMENDMENT NO. 15--MOTION TO RECONSIDER TABLED**

Rep. GOVAN moved to reconsider the vote whereby Amendment 15 was tabled.

Rep. PITTS moved to table the motion, which was agreed to.

Rep. HART proposed the following Amendment No. 17 (COUNCIL\MS\7314AHB11), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_.A. Title 14 of the 1976 Code is amended by adding:

“CHAPTER 29

Middle Courts

Section 14‑29‑10. This section may be cited as the ‘Middle Court Processes Act’.

Section 14‑29‑20. The General Assembly recognizes that the drug court process existing in various counties has been successful in rehabilitating nonviolent drug and drug‑related offenders who otherwise likely would be sentenced to prison. The purpose of this chapter is to incorporate, build upon, and expand the successes and scope of the drug court concept by establishing a statewide middle court process that is not limited to drug offenses and shall promote the rehabilitation and reentry of certain nonviolent offenders into society and reserve the state’s prisons for those dangerous offenders and others for whom prison is the best alternative in the criminal justice system. This chapter intends to set standards and procedures to facilitate the creation and continuation of these programs across the State, while leaving local jurisdictions the flexibility to tailor individual programs to local needs.

Section 14‑29‑30. Each judicial circuit shall establish a middle court process, subject to the availability of funds. Each circuit which receives state funding for the implementation of a middle court program shall establish and administer at least one middle court program for the circuit within one hundred eighty days of the effective date of this act. The Attorney General shall establish a middle court program in each circuit. The Department of Probation, Parole and Pardon Services shall administer the program and ensure that all eligible persons are permitted to apply for admission to the program.

Section 14‑29‑40. (A) The Supreme Court shall appoint judges of the middle court upon the recommendation of the Chief Administrative Judge for that judicial circuit.

(B) A middle court judge must:

(1) be a member in good standing with the South Carolina Bar or a member, active or retired, of the Unified Judicial System;

(2) serve at the pleasure of the Supreme Court for a term of two years and may be reappointed;

(3) receive no salary for his service as a middle court judge and must serve as a middle court judge on a voluntary basis;

(4) receive an allowance for mileage, subsistence, and per diem when engaged in the exercise of his duties as a middle court judge, to be paid from an approved account established for this purpose by his appointing authority;

(5) be exempt during his term from Rule 608, South Carolina Appellate Court Rules, relating to the appointment of lawyers for indigents;

(6) enjoy in a middle court proceeding or action the same privileges, immunities, and protections from civil liability as a circuit court judge;

(7) receive training provided for this service; and

(8) reside in the judicial circuit where he serves.

(C) A middle court judge shall preside subject to the Code of Judicial Conduct and with the goal of instilling discipline in participants to a middle court proceeding, promoting the participant’s rehabilitation, and encouraging the participant’s successful completion of the middle court process. A middle court judge has the authority of a circuit court judge acting in probation matters, including, among other things, the authority to:

(1) maintain order and decorum in all proceedings, including use of the contempt power;

(2) issue an order of acceptance of a participant in the process and an order of dismissal from the process;

(3) impose by written order a sanction dismissing a participant from the middle court process or incarcerating him for no more than seven days for failing to meet a condition, requirement, or goal ordered by the middle court;

(4) issue to a participant a certificate indicating his successful completion of the middle court process;

(5) order conditions or requirements of a rehabilitation plan for a participant, developed after consultation with the circuit solicitor, a drug counselor, and other professionals and people the middle court judge considers beneficial, with the conditions and requirements to include school, education, vocational training, work, drug testing, counseling, reporting, treatment, curfew, monitoring, restitution, community service, batterer’s treatment, anger management, personal hygiene, meetings, and other measures the judge considers appropriate and orders; and

(6) take action he considers necessary to carry out the middle court’s functions provided in this chapter.

Section 14‑29‑50. (A) A person seeking admission to the middle court process:

(1) must execute a middle court agreement specified in this chapter;

(2) must receive approval of a circuit court judge of competent jurisdiction;

(3) previously may not have been admitted to a middle court procedure;

(4) may have no prior conviction or current conviction for:

(a) a violent crime as defined in Section 16‑1‑60;

(b) an offense for which the offender was placed on the sex offender registry pursuant to Section 23‑3‑430;

(c) the offense of lynching in the first degree pursuant to Section 16‑3‑210 or lynching in the second degree pursuant to Section 16‑3‑220;

(d) the common law offense of assault and battery of a high and aggravated nature;

(e) the offense of carjacking pursuant to Section 16‑3‑1075;

(f) the offense of harassment or stalking pursuant to Article 17, Chapter 3, Title 16;

(g) the offense of causing great bodily injury or death by operating a vehicle while under the influence of drugs or alcohol pursuant to Section 56‑5‑2945; or

(h) a criminal domestic violence offense pursuant to Chapter 25, Title 16; and

(5) must have an active sentence exceeding ninety days in general sessions court for a nonviolent crime not exempted pursuant to item (4), except a middle court judge may allow a person convicted of burglary in the second degree, attempted burglary in the second degree, or accessory before the fact of burglary in the second degree to enter the process if the circumstances of the offense did not involve an act of actual violence to another person.

(B) A middle court agreement required in subsection (A) may serve as the offender’s application for admission to a middle court process and jurisdiction, and shall include:

(1) an acknowledgement by the offender that his application is voluntary and freely entered into;

(2) an agreement that, if accepted, he will comply with all conditions, rules and requirements imposed upon him in the middle court process, including a rehabilitation plan;

(3) an acknowledgement that, if accepted, he may be dismissed from the process at the discretion of the middle court judge and consequently transferred to the circuit court for commencement of his entire original sentence, without reduction;

(4) an acknowledgement and agreement that he has no right to appeal or enjoin a decision of the middle court judge;

(5) an acknowledgement and agreement that the post‑conviction relief procedures do not apply to the middle court process, and a relinquishment of all rights to post‑conviction relief;

(6) an agreement to cooperate fully with a person involved in his rehabilitation plan and to comply with the requirements and conditions of the plan, including the submission to analysis, testing, treatment, counseling, evaluation, and providing of complete personal, health, and family information, and executing releases to accomplish the provision of this information;

(7) an acknowledgement and agreement that information and test results produced by the middle court process become and remain the property of law enforcement and may be used against him. However, the information and test results may not be used as the sole or independent basis of a criminal prosecution of the offender for actions preceding his acceptance into the middle court process;

(8) an agreement to bear, subject to his ability to pay, the costs of analysis, testing, treatment, counseling, or evaluation in a rehabilitation plan prescribed in the process, and an agreement that funds paid by the participant or on his behalf during the course of the middle court process may not be refundable in any event, including his dismissal from the process;

(9) a general explanation of the purpose and concept of the middle court process;

(10) a statement of the offender’s knowing, willing, and full consent and submission to the authority of the middle court and its process;

(11) the signature of the offender and, if any, his counsel; and

(12) other statements, acknowledgements, or agreements the circuit solicitor may consider appropriate.

(C) In determining whether to accept an offender for admission to the middle court process, the middle court judge shall consider, among other things:

(1) the middle court agreement presented by the offender;

(2) the nature of the offense for which the offender was convicted in circuit court;

(3) the offender’s prior criminal history;

(4) the offender’s prior substance abuse history;

(5) the likelihood that the offender successfully will complete the process;

(6) the risk and danger posed to the community by the offender’s remaining at large;

(7) the benefits likely resulting to the community and this State from the offender’s acceptance into the process, including cost savings, public service or private employment, enhancement of the offender’s ability to pay restitution, support or comfort of his family, and the decreased likelihood of future criminal activity;

(8) the benefits likely resulting to the offender upon his being accepted into the process, including drug rehabilitation, education, training, family support, discipline, employment, physical and mental health, and the opportunity for a productive life;

(9) a positive recommendation or statement from the victim, the victim’s family, law enforcement, or the community, the recommendation after screening by a qualified person selected by the solicitor or provided by a state, county, or municipal agency to determine the mental health or drug dependence of the applicant and his likelihood of successful completion of a rehabilitation plan prescribed in this process;

(10) any recommendation or statement requested by the middle court judge from a solicitor, probation or parole official, or prison official;

(11) the risk and danger posed to the victim or victim’s family by the offender remaining at large; and

(12) other circumstances or matters the middle court judge may consider appropriate.

(D) The middle court’s acceptance of the offender as a participant must be presented to the circuit court. The circuit court, in its discretion, may order the transfer of the offender to the custody and jurisdiction of the middle court for commencement of the middle court process. The circuit court shall provide in its order that the participant must be returned to the circuit court for final disposition, as provided in this chapter, upon his successful completion of the process or his dismissal from the process.

(E) Notice must be provided to all victims pursuant to the Victims’ Bill of Rights.

Section 14‑29‑60. (A) When establishing a middle court process, the Attorney General:

(1) may address the particular requirements and circumstances of each circuit. The procedure is subject to and consistent with the uniform procedures provided in this chapter, including:

(a) a middle court process must be at least twelve months in duration but no more than eighteen months in duration for a participant, although the process may be extended for a maximum of six additional months by the middle court;

(b) a middle court session must be held in a courtroom or other place the middle court judge considers appropriate and where proper decorum, safety, and efficiency must be maintained;

(c) a middle court session must be held at a time and place that will promote the maximum convenience and attendance of associated parties, especially a participating offender and his family, and, absent a compelling reason, should be held on a weekday and commencing no earlier than 5:30 p.m.;

(d) a middle court session for an individual participant must be held no less than every fourteen days until the participant has successfully completed twelve months of the process, at which time the court may allow the participant to attend a session no less than once every thirty days; and

(e) a middle court process may require the presence of a person necessary for the efficient operation of a middle court session;

(2) shall designate in his office a person to serve as his administrator of the process to supervise and coordinate the implementation of the program by the Department of Probation, Parole and Pardon Services. These duties shall include the scheduling of the hearings, notification of the persons involved, maintenance and safeguarding of all records and orders associated with the process, filing of all orders and other appropriate documents with the appropriate clerk of court, and the production of a report required by this chapter; and

(3) through his designated administrator, shall supervise and coordinate the selection by the Department of Probation, Parole and Pardon Services of counselors or other professionals to analyze, test, treat, and evaluate an applicant or participant contemplated in this chapter, and at least annually shall report to the Attorney General information regarding funds expended by the Department of Probation, Parole and Pardon Services for these purposes.

(B) The Attorney General shall assist the Supreme Court, the Department of Probation, Parole and Pardon Services, and middle court in establishing a uniform system of procedures, statistics, and processes as set forth in this chapter, collecting reports he prescribes from the circuit administrator in order to measure the progress and operations of the middle courts, and annually issuing a comprehensive report of his findings and recommendations no later than July thirtieth.

(C) The Supreme Court may propose and adopt rules for the middle court process in the same manner as it proposes and promulgates rules for other courts in the Unified Judicial System.

Section 14‑29‑70. (A) The transfer of an offender from the custody and jurisdiction of the circuit court to custody and jurisdiction of the middle court must be made by issue of a written order from the circuit court in response to the approval of the application by the middle court. This order must provide for the suspension of the offender’s sentence pending the conclusion of the middle court process. The middle court then shall control and be responsible for the custody of the offender upon entry of the circuit court’s order.

(B) A middle court judge must transfer to the circuit court custody of a person who successfully completes the middle court process and the circuit court must immediately release the successful participant from his sentence. Where a person fails to successfully complete a middle court process and is consequently dismissed from the process, the middle court must transfer custody of the person to the circuit court for commencement of the sentence interrupted by the middle court process. A court may not reduce a sentence for time spent participating in a middle court process and other conditions of the sentence.

(C) The constitutional notice requirements of the Victims’ Bill of Rights apply to a transfer, completion, or failure pursuant to this section.

Section 14‑29‑80. Nothing contained in this chapter affects the operation or establishment of juvenile drug courts in South Carolina.

Section 14‑29‑90. The General Assembly shall appropriate funds annually to an account to be maintained by the Supreme Court for the payment of mileage, subsistence, and per diem for middle court judges as provided by this chapter.

Section 14‑29‑100. The General Assembly annually shall appropriate funds to the Judicial Department, Office of the Attorney General, and the Department of Probation, Parole and Pardon Services for the employment and support of a middle court administrator for each circuit and other costs associated with the process as provided by this chapter.”

B. This SECTION takes effect when consolidation as provided in this act is complete. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

**POINT OF ORDER**

Rep. SKELTON raised the Rule 9.3 Point of Order that Amendment No. 17 was not germane to the bill.

Rep. HART spoke against the point.

SPEAKER *Pro Tempore* LUCAS stated that Amendment No. 17 was not germane. He sustained the Point of Order and ruled the amendment out of order.

Rep. HART proposed the following Amendment No. 18 (COUNCIL\MS\7322AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. After consolidation of the agencies as provided in this act, the Department of Corrections may not require its employees to be subject to the mandatory imposition of furlough days. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CLEMMONS a leave of absence for the remainder of the day for the purpose of chairing the Midlands Redistricting Hearing.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. YOUNG a leave of absence for the remainder of the day for the purpose of attending the Midlands Redistricting Hearing.

Rep. HART proposed the following Amendment No. 19 (COUNCIL\MS\7323AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. After consolidation of the agencies as provided in this act, the Department of Corrections may not require employees of the Division of Probation, Parole and Pardon Services to be subject to the mandatory imposition of furlough days. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 20 (COUNCIL\MS\7324AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. After consolidation of the agencies as provided in this act, supervision fees collected for any program under the jurisdiction of Division of the Probation, Parole and Pardon Services are to be retained by and used exclusively for programs administered by the division. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. SELLERS moved to adjourn debate on the Bill until Thursday, March 31, which was not agreed to.

Rep. HART proposed the following Amendment No. 22 (COUNCIL\MS\7329AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_.A. Article 1, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-97. Before an agent of the division requests a revocation hearing, pursuant to the provisions of Section 24-21-460, 24-21-560, or 24-21-680, the agent shall contact the attorney of record to schedule a meeting to mediate the terms of the revocation of an offender subject to the Youthful Offender Act.”

B. The provisions of this SECTION take effect after the consolidation of agencies as provided in this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 23 (COUNCIL\MS\7328AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_.A. Article 1, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-97. Before an agent of the division requests a revocation hearing, pursuant to the provisions of Section 24-21-460, 24-21-560, or 24-21-680, the agent shall contact the attorney of record to schedule a meeting to mediate the terms of the revocation of an adult offender.”

B. The provisions of this SECTION take effect after the consolidation of agencies as provided in this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. PITTS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 24 (COUNCIL\MS\7327AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_.A. Article 1, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-95. In a revocation hearing pursuant to the provisions of Section 24-21-460, 24-21-560, or 24-21-680, if the offender, including an offender subject to the Youthful Offender Act, is represented by an attorney, the attorney must be given ten days written notice of the scheduling of a revocation hearing.”

B. The provisions of this SECTION take effect after the consolidation of agencies as provided in this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SKELTON moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 25 (COUNCIL\MS\7326AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_.A. Section 24-21-100 of the 1976 Code, as added by Act 273 of 2010, is amended by adding an appropriately lettered subsection at the end to read:

“( ) An offender may not be held in civil contempt of court and imprisoned for failure to pay financial obligations as provided in this section if he can provide proof of payment of household expenses and the payment of other similar obligations which adversely affected his ability to pay supervision fees as provided in this chapter.”

B. The provisions of this SECTION take effect after the consolidation of agencies as provided in this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. PITTS moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 27 (COUNCIL\DKA\3573CM11), which was tabled:

Amend the bill, as and if amended, Section 24-21-32(D), SECTION 1, by deleting subsection (D) in its entirety and inserting:

/ (D) If the ~~department~~ division determines that an inmate has violated a term or condition of reentry supervision sufficient to revoke the reentry supervision, a probation agent must initiate a proceeding before a ~~department~~ division administrative hearing officer. The proceeding must be initiated pursuant to a warrant or a citation describing the violations of the reentry supervision. No inmate arrested for violation of a term or condition of reentry supervision may be released on bond; however, he shall be credited with time served as set forth in Section 24‑13‑40 toward his release date. If the administrative hearing officer determines the inmate has violated a term or condition of reentry supervision, the hearing officer may impose other terms or conditions set forth in the regulations or ~~department~~ division guidelines, and may continue the inmate on reentry supervision, or the hearing officer may revoke the inmate’s reentry supervision and the inmate shall be incarcerated up to ~~one hundred eighty~~ thirty days, but the maximum aggregate time that the inmate shall serve on reentry supervision or for revocation of the reentry supervision shall not exceed an amount of time equal to the length of incarceration imposed by the court for the offense that the inmate was serving at the time of his initial reentry supervision. The decision of the administrative hearing officer on the reentry supervision shall be final and there shall be no appeal of his decision. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SKELTON moved to table the amendment, which was agreed to.

Rep. HART proposed the following Amendment No. 29 (COUNCIL\SWB\6113CM11), which was tabled:

Amend the bill, as and if amended, Section 24‑21‑5(6), as contained in SECTION 1, by deleting Section 24‑21‑5(6) in its entirety and inserting:

/ (6) ‘Hearing officer’ means an employee of the department who conducts preliminary hearings to determine probable cause on alleged violations committed by an individual under the supervision of the department and as otherwise provided by law. This includes, but is not limited to, violations concerning probation, parole, and community supervision. The hearing officer also conducts preliminary hearings and final revocation hearings for supervised furlough, ~~youthful offender conditional release cases,~~ and ~~such~~ other hearings as required by law. /

Amend the bill further, Section 24‑21‑231(B), as contained in SECTION 1, by deleting Section 24‑21‑221(B) in its entirety and inserting:

/ (B) The director must employ hearing officers who conduct preliminary hearings to determine probable cause on violations committed by individuals under the supervision of the ~~department~~ division and as otherwise provided by law. This includes, but is not limited to, violations concerning probation, parole, and community supervision. The hearing officer also conducts preliminary hearings and final revocation hearings for supervised furlough, ~~youthful offender conditional release cases,~~ and ~~such~~ other hearings as required by law. The ~~department~~ division shall promulgate regulations for the qualifications of the hearing officers and the procedures for the preliminary hearings. Until regulations are adopted, the qualifications and procedures shall be based on guidelines developed by the director./

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. SKELTON moved to table the amendment, which was agreed to.

Rep. GOVAN spoke in favor of the Bill.

Rep. RUTHERFORD spoke against the Bill.

Rep. R. L. BROWN moved to recommit the Bill to the Committee on Judiciary.

Rep. HIOTT moved to table the motion.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 72; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Brady | Brannon |
| Chumley | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Huggins | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| White | Whitmire | Willis |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bowers | H. B. Brown |
| R. L. Brown | Butler Garrick | Dillard |
| Hart | Howard | Jefferson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | Parks | Rutherford |
| Sabb | Vick | Williams |

**Total--21**

So, the House tabled the motion to recommit the Bill.

RECORD FOR VOTING

I was temporarily out of the Chamber attending the Election Law Subcommittee redistricting hearing, and missed the vote to table the motion to recommit H. 3267. If I had been present, I would have voted to table the motion.

Rep. Tom Young

Rep. RUTHERFORD proposed the following Amendment No. 30 (COUNCIL\MS\7344AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTIONS to read:

/ SECTION \_\_. The first undesignated paragraph of Section 24-13-710 of the 1976 Code, as last amended by Act 151 of 2010, is further to read:

“Section 24-13-710. The Department of Corrections and the Department of Probation, Parole and Pardon Services shall jointly develop the policies, procedures, guidelines, and cooperative agreement for the implementation of a supervised furlough program which permits carefully screened and selected inmates who ~~have served the mandatory minimum sentence as required by law or have not committed a violent crime as defined in Section 16‑1‑60, a “no parole offense” as defined in Section 24‑13‑100, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of committing or attempting a lewd act upon a child under the age of fourteen as defined in Section 16‑15‑140~~ were convicted of nonviolent crimes to be released on furlough prior to parole eligibility and under the supervision of state probation and parole agents with the privilege of residing in an approved residence and continuing treatment, training, or employment in the community until parole eligibility or expiration of sentence, whichever is earlier.”

SECTION \_\_. The first undesignated paragraph of Section 24-13-720 of the 1976 Code, as last amended by Act 151 of 2010, is further amended to read:

“~~Unless sentenced to life imprisonment, an inmate under the jurisdiction or control of the Department of Corrections who has not been convicted of a violent crime under the provisions of Section 16‑1‑60 or a “no parole offense” as defined in Section 24‑13‑100~~ An inmate convicted of a nonviolent crime may, within six months of the expiration of his sentence, be placed with the program provided for in Section 24‑13‑710 and is subject to every rule, regulation, and condition of the program. Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate’s person, any vehicle the inmate owns or is driving, and any of the inmate’s possessions by:

(1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. SKELTON moved to table the amendment, which was agreed to by a division vote of 52 to 22.

Rep. MACK spoke against the Bill.

Rep. GOVAN spoke in favor of the Bill.

Rep. HOWARD spoke against the Bill.

The question then recurred to the passage of the Bill, as amended.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 81; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bikas | Bingham | Bowen |
| Brady | Branham | Brannon |
| Chumley | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | White |
| Whitmire | Willis | Young |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Bowers |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Dillard | Hart | Hodges |
| Hosey | Howard | Jefferson |
| King | Mack | McLeod |
| Mitchell | Munnerlyn | Sabb |
| Vick | Whipper | Williams |

**Total--21**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

We were temporarily out of the Chamber attending the Election Law Subcommittee hearing on redistricting and missed the vote on H. 3267.

Rep. Karl Allen

Rep. David Weeks

Rep. BIKAS moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3985 -- Reps. Rutherford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AUTHOR ASHLYE V. RUMPH-GEDDIS OF RICHLAND COUNTY ON THE PUBLICATION OF HER NEW CHILDREN'S BOOK, TORI EXPLORES SOUTH CAROLINA, AND ON ITS SELECTION AS THE CITY OF COLUMBIA'S TOGETHER WE CAN READ BOOK OF THE YEAR.

**ADJOURNMENT**

At 5:51 p.m. the House, in accordance with the motion of Rep. MURPHY, adjourned in memory of William Thomas McQueeney of Charleston, to meet at 10:00 a.m. tomorrow.

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