**A** **BILL**

TO AMEND SECTION 63-19-1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO RELEASE FROM ITS RESIDENTIAL PLACEMENTS SUFFICIENT NUMBERS OF CHILDREN COMMITTED TO ITS CUSTODY OR SUPERVISION FOR A STATUS OFFENSE, A MISDEMEANOR OFFENSE, OR FOR VIOLATION OF PROBATION OR CONTEMPT OF A STATUS OFFENSE OR A MISDEMEANOR OFFENSE SO THAT THE NUMBER OF CHILDREN IN ITS CUSTODY OR UNDER ITS SUPERVISION AND PLACED IN RESIDENTIAL PLACEMENTS DOES NOT EXCEED THE NUMBER OF HOUSING UNITS OR BEDS AVAILABLE, AND TO ENSURE THAT NO CHILD ADJUDICATED DELINQUENT FOR A VIOLENT CRIME, A FELONY, OR A SEXUAL OFFENSE MAY BE RELEASED.

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

SECTION 1. Section 63-19-1440 of the 1976 Code is amended to by adding an appropriately lettered subsection at the end to read:

“( ) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in facilities operated by the department and in residential programs operated for the department, the number of children housed in residential placements, either committed to the Department of Juvenile Justice or under the department’s supervision, may not exceed the number of beds available to the department to house them. The department is authorized and empowered to release from residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, or for violation of probation or contempt of a status offense or a misdemeanor offense so that the number of children in the department’s custody or under the department’s supervision and placed in these residential placements does not exceed the number of housing units or beds available to properly house those children. No child adjudicated delinquent for a violent crime as defined in Section 16-1-60, a felony offense as defined in Section 16-1-90, or a sexual offense may be released pursuant to this provision.”

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

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