~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2012

**H. 4603**

Introduced by Reps. Rutherford and McCoy

S. Printed 3/7/12--H.

Read the first time January 17, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4603) to amend Section 17‑22‑50, as amended, and Section 17‑22‑60, Code of Laws of South Carolina, 1976, relating to persons who may not be considered, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

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

/ SECTION 1. Section 17‑22‑50 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 17‑22‑50. (A) A person must not be considered for intervention if:

(1) he previously has been accepted into an intervention program unless the solicitor, in his discretion, consents to allow the offender to participate in a pretrial intervention program more than once; ~~or~~

(2) he has previously been accepted into a pretrial intervention program for an offense contained in Chapter 25, Title 16; or

(3) the person is charged with:

(a) blackmail;

(b) driving under the influence or driving with an unlawful alcohol concentration;

(c) a traffic‑related offense which is punishable only by fine or loss of points;

(d) a fish, game, wildlife, or commercial fishery‑related offense which is punishable by a loss of eighteen points as provided in Section 50‑9‑1020;

(e) a crime of violence as defined in Section 16‑1‑60; or

(f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.”

SECTION 2. Section 17‑22‑60 of the 1976 Code is amended to read:

“Section 17‑22‑60. Intervention is appropriate only where:

(1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program;

(2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process;

(3) it is apparent that the offender poses no threat to the community;

(4) it appears that the offender is unlikely to be involved in further criminal activity;

(5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;

(6) the offender has no significant history of prior delinquency or criminal activity;

(7) the offender has not previously been accepted in a pretrial intervention program unless the solicitor, in his discretion, consents to allow the offender to participate in a pretrial intervention program more than once;

(8) the offender has not previously been accepted into a pretrial intervention program for an offense contained in Chapter 25, Title 16.”

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 17‑22‑50, AS AMENDED, AND SECTION 17‑22‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR’S CONSENT.

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

SECTION 1. Section 17‑22‑50 of the 1976 Code, as last amended by Act 201 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The provisions of subsection (A)(1) do not apply if the solicitor, in his discretion, consents to allow a person to participate in a pretrial intervention program more than once.”

SECTION 2. Section 17‑22‑60(7) of the 1976 Code is amended to read:

“(7) the offender has not previously been accepted in a pretrial intervention program unless the solicitor, in his discretion, consents to allow the offender to participate in a pretrial intervention program more than once.”

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

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