POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE WITH AMENDMENT

May 8, 2013

**S. 509**

Introduced by Senators Thurmond, Hembree and Rankin

S. Printed 5/8/13--S. [SEC 5/9/13 10:59 AM]

Read the first time March 12, 2013.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 509) to amend Chapter 13, Title 24 of the 1976 Code, relating to offenses in connection with electronic monitoring devices, by adding Section 24‑13‑425 to provide that , etc., respectfully

**REPORT:**

Has polled the Bill out with amendment, to wit:

Amend the bill, as and if amended, page 1, by striking lines 28-31 and inserting:

/ “Section 24‑13‑425. (A) For the purposes of this section:

(1) ‘Electronic monitoring device’ includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

(2) ‘Person’ includes any public or private agency or entity providing electronic monitoring services. /

Amend the bill further, page 2, by striking line 9 and inserting:

/ be guilty of the felony offense of tampering with the operation of an /

Renumber sections to conform.

Amend title to conform.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Corrections

The department indicates that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at their current level of funding.

Other Agencies

The Department of Probation, Parole and Pardon Service and the Department of Motor Vehicles indicate that there will be no fiscal impact to the General Fund of the State, nor on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO OFFENSES IN CONNECTION WITH ELECTRONIC MONITORING DEVICES, BY ADDING SECTION 24‑13‑425 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY AND WITHOUT AUTHORITY TO REMOVE, DESTROY, OR CIRCUMVENT THE OPERATION OF AN ELECTRONIC MONITORING DEVICE WHICH IS BEING USED FOR THE PURPOSE OF MONITORING A PERSON, OR TO SOLICIT ANOTHER PERSON TO DO SO, AND TO PROVIDE FOR PENALTIES.

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

SECTION 1. Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24‑13‑425. (A) For purposes of this section, the term ‘electronic monitoring device’ includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

(B) It is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is:

(1) complying with the Home Detention Act as set forth in Article 15 of Title 24;

(2) wearing an electronic monitoring device as a condition of bond or pretrial release;

(3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or

(4) wearing an electronic monitoring device as required by any other provision of law.

(C) It shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purposes described in subsection (B).

(D) Any person who violates the provisions of this section shall be guilty of a felony offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than five years, or fined up to five thousand dollars, or both.”

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

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