COMMITTEE REPORT

March 12, 2014

**S. 857**

Introduced by Senators McElveen, Lourie and Campsen

S. Printed 3/12/14--S.

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 857) to amend Chapter 1, Title 16 of the 1976 Code, relating to felonies and misdemeanors; by adding Section 16‑1‑140 to enhance the sentence for individuals convicted, 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, page 1, by striking lines 26-33, and inserting:

/ “Section 16‑1‑140. If a person is convicted of a serious offense or most serious offense as defined by Section 17-25-45, a violent crime as defined by Section 16-1-60, or a lesser included offense, which the person committed while released on bond for a separate serious offense or most serious offense as defined by Section 17-25-45, a violent crime as defined by Section 16-1-60, or a lesser included offense, for which the person was also convicted, then the person may have added to the person’s sentence an amount of imprisonment up to forty percent of the maximum sentence for the offense the person committed while released on bond.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

J. THOMAS MCELVEEN III C. BRADLEY HUTTO

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

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 this bill will have an impact on the General Fund of the State due to the increased population in the prison system because of the increased sentence length, by up to 40%, which can be handed down to those who commit these offenses while out on bond after already being convicted for the same offenses. Due to the lack of empirical data on how many offenders may be charged under these new sentencing guidelines, the agency is unable to provide an accurate impact total. In 2013 there were 1,681 offenders who were sent to SCDC with a violent conviction and of that number there were 241 that had one or more additional violent convictions.

Judicial Department

The department indicates that this bill will have no fiscal impact on 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 1, TITLE 16 OF THE 1976 CODE, RELATING TO FELONIES AND MISDEMEANORS; BY ADDING SECTION 16‑1‑140 TO ENHANCE THE SENTENCE FOR INDIVIDUALS CONVICTED OF A SERIOUS OR MOST SERIOUS OFFENSE THAT HE COMMITTED WHILE HE WAS RELEASED ON BOND FOR A SERIOUS OR MOST SERIOUS OFFENSE FOR WHICH HE WAS ALSO CONVICTED.

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

SECTION 1. Chapter 1, Title 16 of the 1976 Code is amended by adding:

“Section 16‑1‑140. When an individual who is convicted of a serious, most serious, or violent offense, or a lesser included offense, that he committed while he was released on bond for a serious, most serious, or violent offense for which he was also convicted, or for which he was convicted of a lesser included offense, may have added to his sentence an amount of time up to forty percent of the maximum sentence for the offense that he committed while released on bond.”

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

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