~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 10, 2016

**H. 3130**

Introduced by Rep. Rutherford

S. Printed 3/10/16--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3130) to amend Section 24‑13‑1590, Code of Laws of South Carolina, 1976, relating to the Home Detention Act’s nonapplicability to a person who has violated or who, 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 24‑13‑1530 of the 1976 Code is amended to read:

“Section 24-13-1530. (A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, ~~nonviolent~~ adult and juvenile offenders who have been charged with or convicted of a crime other than those listed in Section 16‑1‑60, with the exception of a drug trafficking offense that carries a maximum sentence of up to ten years provided they are monitored by a GPS tracking device and bear the cost of the GPS device, as selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

(1) pretrial or preadjudicatory detention;

(2) probation (intensive supervision);

(3) community corrections (diversion);

(4) parole (early release);

(5) work release;

(6) institutional furlough;

(7) jail diversion; or

(8) shock incarceration.

(B) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24‑9‑20 and enforced pursuant to Section 24‑9‑30.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 24‑13‑1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOME DETENTION ACT’S NONAPPLICABILITY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS AND ITS IMPACT ON THE AUTHORITY OF THE COURTS, DEPARTMENT OF JUVENILE JUSTICE, OR THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO REGULATE OR IMPOSE CONDITIONS FOR PROBATION, PAROLE, OR COMMUNITY SERVICE, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT THE HOME DETENTION ACT DOES NOT APPLY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS, AND TO MAKE A TECHNICAL CHANGE.

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

SECTION 1. Section 24‑13‑1590 of the 1976 Code is amended to read:

“Section 24‑13‑1590. Nothing in this article~~:~~

~~(1)~~ ~~applies to a person, regardless of age, who violates, or is awaiting trial on charges of violating, the illicit narcotic drugs and controlled substances laws of this State which are classified as Class A, B, or C felonies or which are classified as an exempt offense by Section 16‑1‑10(D) and provide for a maximum term of imprisonment of twenty years or more; or~~

~~(2)~~ diminishes the lawful authority of the courts of this State, the Department of Juvenile Justice, or the Department of Probation, Parole~~,~~ and Pardon Services to regulate or impose conditions for probation, parole, or community supervision.”

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

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