~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 19, 2017

**S. 18**

Introduced by Senators Campsen and Hembree

S. Printed 1/19/17--S. [SEC 1/23/17 12:41 PM]

Read the first time January 10, 2017.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 18) to amend the Code of Laws of South Carolina, 1976, by adding Section 24‑21‑705 so as to provide that, upon receipt of the notice of a, 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 24-21-710 of the 1976 Code is amended to read:

“Section 24-21-710. (A) Film, videotape, written, or other electronic information ~~that is both visual and aural,~~ submitted pursuant to this section~~,~~ must be considered by the Board of Probation, Parole and Pardon Services in making its determination of parole.

(B) Upon receipt of the notice required by ~~law~~ this chapter, the following ~~people~~ may submit film, videotape, written, or other electronic information:

(1) the victim of the crime, as defined in Section 16-3-1510, for which the prisoner has been sentenced;

(2) the victim’s immediate family;

~~(2)~~(3) the prosecuting solicitor's office; and

~~(3)~~(4) the person whose parole is being considered.

(C) ~~The~~ A person submitting ~~the~~ electronic information shall provide the Board of Probation, Parole and Pardon Services with the following, if applicable:

(1) identification of each voice heard and each person seen;

(2) a visual or aural statement of the date the information was recorded; and

(3) the name of the person whose parole eligibility is being considered.

(D)(1) ~~If the film~~ Film, videotape, written, or other electronic information submitted pursuant to (B)(1) and (2) of this section ~~is~~ must be retained by the board~~, it may be~~ and submitted at subsequent parole hearings, ~~each time that~~ unless the submitting person provides a written statement declaring that the information no longer represents the present position of the person ~~who is submitting the information~~.

(2) Film, videotape, written, or other electronic information submitted pursusant to (B)(3) and (4) of this section may be submitted at subsequent parole hearings each time the submitting office or person provides a written statement declaring that the information represents the present position of the office or person.

(E) The Department of Corrections may install, maintain, and operate a two‑way closed circuit television system in one or more correctional institutions of the department that confines persons eligible for parole. The Board of Probation, Parole and Pardon Services shall install, maintain, and operate closed circuit television systems at locations determined by the board and conduct parole hearings by means of a two‑way closed circuit television system provided in this section. A victim of a crime must be allowed access to this system to appear before the board during a parole hearing.

(F) Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.

(G) The Director of the Department of Probation, Parole and Pardon Services may develop written policies and procedures for parole hearings to be held pursuant to this section.

(H) The Board of Probation, Parole and Pardon Services is not required to install, maintain, or operate film, videotape, or other electronic equipment to record a victim's testimony to be presented to the board.”

SECTION 2. Section 30-4-40(a) of the 1976 Code is amended by adding an appropriately numbered new section to read:

“( ) Film, videotape, written, or other electronic information submitted pursuant to Section 24-21-710 by the victim of a crime for which the prisoner has been sentenced or the victim’s immediate family.”

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

Renumber sections to conform.

Amend title to conform.

SHANE R. MARTIN for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM’S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS IF THE SUBMITTING PERSON DECLARES THAT THE STATEMENT STILL REPRESENTS THE PERSON’S PRESENT POSITION.

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

SECTION 1. Article 7, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24‑21‑705. (A) Upon receipt of the notice required by Section 24‑21‑221, the victim of the crime for which the prisoner has been sentenced and members of the victim’s immediate family may submit written statements to the Board of Probation, Parole and Pardon Services.

(B) The statements must be considered by the board in making its determination of parole.

(C) The statements must be retained by the board. At subsequent parole hearings, the statements must be submitted again if the department verifies that it has contacted the submitting person since the prisoner’s most recent parole hearing and that the submitting

person declares that the statement still represents the person’s present position.

(D) Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.”

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

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