~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

February 27, 2018

**H. 3211**

Introduced by Rep. Rutherford

S. Printed 2/27/18--H.

Read the first time January 10, 2017.

**A** **BILL**

TO AMEND SECTION 17‑25‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDUCTION OF A SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO ADD THAT THE ATTORNEY GENERAL IS ALSO AUTHORIZED TO FILE A MOTION UNDER THE PROVISIONS OF THE SECTION.

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

SECTION 1. Section 17‑25‑65 of the 1976 Code is amended to read:

“Section 17‑25‑65. (A) Upon the state’s motion made within one year of sentencing, the court may reduce a sentence if the defendant, after sentencing, provided:

(1) substantial assistance in investigating or prosecuting another person; or

(2) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

(B) Upon the state’s motion made more than one year after sentencing, the court may reduce a sentence if the defendant’s substantial assistance involved:

(1) information not known to the defendant until one year or more after sentencing;

(2) information provided by the defendant to the State within one year of sentencing, but which did not become useful to the State until more than one year after sentencing;

(3) information, the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing, and which was promptly provided to the State after its usefulness was reasonably apparent to the defendant; or

(4) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

(C) A motion made pursuant to this provision ~~shall~~ must be filed by that circuit solicitor in the county where the defendant’s case arose or by the Attorney General. The State shall send a copy to the chief judge of the circuit within five days of filing. The chief judge or a circuit court judge currently assigned to that county shall have jurisdiction to hear and resolve the motion. Jurisdiction to resolve the motion is not limited to the original sentencing judge.”

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

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