**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑35 SO AS TO PROVIDE THAT AS A CONDITION OF BOND IMPOSED BY THE COURT, A DEFENDANT MAY BE RELEASED FROM CUSTODY ON THE CONDITION THAT HE COMPLY WITH THE TERMS AND CONDITIONS OF AN ELECTRONIC PRETRIAL RELEASE AND MONITORING PROGRAM, TO PROVIDE A NONEXCLUSIVE LIST OF CONDITIONS THAT A DEFENDANT MUST ABIDE BY WHEN RELEASED FROM CUSTODY, TO PROVIDE FOR THE ARREST AND RETURN TO CONFINEMENT OF A DEFENDANT WHO VIOLATES A CONDITION OF HIS PRETRIAL RELEASE AND ELECTRONIC MONITORING PROGRAM OR PROVIDES FALSE OR MISLEADING INFORMATION CONCERNING HIS QUALIFICATIONS TO PARTICIPATE IN THE PROGRAM, TO PROVIDE PROCEDURES FOR ASSESSING AND COLLECTING PRETRIAL RELEASE AND MONITORING FEES, AND TO PROVIDE STANDARDS AND PROCEDURES OF WHICH PRIVATE PROVIDERS MUST COMPLY WHEN SELECTED TO PROVIDE ELECTRONIC MONITORING SERVICES.

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

SECTION 1. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑35. (A) As a condition of bond imposed by the court, a defendant may be released from custody pending trial on the condition that the defendant comply with the terms and conditions of an electronic pretrial release and monitoring program. The sheriff of a county or a county or a municipal government may operate an electronic pretrial release and monitoring program or contract with a qualified private company to provide these services.

(B) A defendant released pursuant to an electronic pretrial release and monitoring program shall abide by such conditions as the court may impose relating to the program including, but not limited to, the following:

(1) periods of home confinement;

(2) compliance with all requirements and conditions of the electronic pretrial release and monitoring program provider;

(3) compliance with court orders or special conditions of bond which may include an order directing that no contact, direct or indirect, be made with the victim or forbidding entry upon, about, or near certain premises;

(4) an order directing that the defendant provide support and maintenance for the person’s dependents to the best of his ability;

(5) restrictions on the use of alcoholic beverages and controlled substances;

(6) curfews;

(7) limitations on work hours and employment;

(8) an order directing the defendant to submit to tests of breath, blood, or urine from time to time;

(9) travel restrictions;

(10) an order directing that electronic pretrial release and monitoring equipment be kept in good working condition;

(11) an order directing that the person refrain from violating the criminal laws of any federal, state, county, or municipality;

(12) an order directing payment of all fees connected with the electronic pretrial release and monitoring program;

(13) payroll deductions to fund electronic pretrial release and monitoring fees;

(14) provisions to permit reasonable medical treatment;

(15) provisions for procuring reasonable necessities, such as grocery shopping;

(16) provisions for attendance in educational, rehabilitative, and treatment programs; and

(17) such other terms and conditions as the court may deem just and proper.

(C) If a circuit or a summary court judge finds probable cause, upon oath, affirmation, or sworn affidavit, that a defendant has violated the terms or conditions of his electronic pretrial release and monitoring program or finds that the defendant provided false or misleading information concerning his qualifications to participate in the electronic pretrial release and monitoring program including, but not limited to, name, date of birth, address, or other personal identification information, then the defendant’s ongoing participation in the program must be terminated immediately, a bench warrant issued for the arrest of the defendant for the violation by any law enforcement officer, and the defendant must be returned to confinement at the county jail or other facility from which the defendant was released.

(D)(1) As an additional condition of electronic pretrial release and monitoring, a defendant authorized to participate in the program by the court shall pay a reasonable, nonrefundable fee for program enrollment, equipment use, and monitoring to the provider of the program.

(2) The fees connected with the electronic pretrial release and monitoring program must be paid by a defendant as a condition of his ongoing participation in the electronic pretrial release and monitoring program in accordance with the terms for the program as approved by the court. Failure to make payments constitutes a violation of the terms of the electronic pretrial release and monitoring program and will result in the defendant’s immediate return to custody.

(3) Defendants who have an extraordinary medical condition requiring ongoing medical treatment as determined by the court must have electronic pretrial release and monitoring fees paid by the program’s governing authority.

(4) Defendants who are determined by the court to be indigent for the purpose of legal representation must have electronic pretrial release and monitoring fees paid by the program’s governing authority. If the court later determines that the defendant is no longer indigent, the court must order that the costs associated with electronic pretrial release and monitoring fees be paid by the defendant.

(E) No defendant released under an electronic pretrial release and monitoring program pursuant to the provisions of this section may be deemed to be an agent, employee, or involuntary servant of the county or the electronic pretrial release and monitoring provider while so released, working, or participating in training or going to and from the defendant’s place of employment or training. Neither the electronic pretrial release and monitoring provider nor the sheriff of a county or a county or a municipal government is civilly liable for the criminal acts of a defendant released pursuant to the provisions of this section.

(F)(l) If a private company is selected by the sheriff of a county or a county or a municipal government to provide electronic monitoring services, that company must comply with the Standards for Private Entity Contract Service Providers set by the South Carolina Department of Corrections for electronic monitoring.

(2) The provider shall provide immediate access to all records regarding all monitoring information, GPS tracking, home confinement, and victim protection regarding each person placed on electronic pretrial release and monitoring to the prosecutor, defense counsel, the court, and law enforcement.”

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

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