~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 3, 2018

**H. 5027**

Introduced by Reps. Pendarvis, McCoy, Rutherford, Bamberg, King, Murphy, McKnight, Bernstein, Stavrinakis and Weeks

S. Printed 4/3/18--H.

Read the first time February 28, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 5027) to amend Section 56‑1‑1020, Code of Laws of South Carolina, 1976, relating to the definition of the term “habitual offender”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 56‑1‑1020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “HABITUAL OFFENDER”, SO AS TO PROVIDE THE SUSPENSION OF A PERSON’S DRIVER’S LICENSE FOR FAILURE TO PAY A TRAFFIC TICKET SHALL NOT CONSTITUTE A CONVICTION OF AN OFFENSE THAT WOULD RESULT IN THE PERSON BEING CONSIDERED AN “HABITUAL OFFENDER”.

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

SECTION 1. Section 56‑1‑1020 of the 1976 Code is amended to read:

“Section 56‑1‑1020. An habitual offender shall mean any person whose record as maintained by the Department of Motor Vehicles shows that he has accumulated the convictions for separate and distinct offenses described in subsections (a), (b) and (c) committed during a three‑year period; provided, that where more than one included offense shall be committed within a one‑day period such multiple offenses shall be treated for the purposes of this article as one offense:

(a) Three or more convictions, singularly or in combination of any of the following separate and distinct offenses arising out of separate acts:

(1) Voluntary manslaughter, involuntary manslaughter or reckless homicide resulting from the operation of a motor vehicle;

(2) Operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs;

(3) Driving or operating a motor vehicle in a reckless manner;

(4) Driving a motor vehicle while his license, permit, or privilege to drive a motor vehicle has been suspended or revoked, except a conviction for driving under suspension for failure to file proof of financial responsibility;

(5) Any offense punishable as a felony under the motor vehicle laws of this State or any felony in the commission of which a motor vehicle is used;

(6) Failure of the driver of a motor vehicle involved in any accident resulting in the death or injury of any person to stop close to the scene of such accident and report his identity;

(b) Ten or more convictions of separate and distinct offenses involving moving violations singularly or in combination, in the operation of a motor vehicle, which are required to be reported to the department for which four or more points are assigned pursuant to Section 56‑1‑720 or which are enumerated in subsection (a) of this section.

(c) The offenses included in subsections (a) and (b) shall be deemed to include offenses under any federal law, any law of another state or any municipal or county ordinance of another state substantially conforming to the above provisions.

(d) For purposes of determining the number of convictions for separate and distinct offenses committed during any three‑year period, a person shall be deemed to be convicted of an offense on the date the offense was committed if he is subsequently convicted of committing such offense.

Notwithstanding another provision of law, the suspension of a person’s driver’s license for failure to pay a traffic ticket shall not constitute a conviction of an offense contained in this section.”

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

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