~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2019

**S. 155**

Introduced by Senator Allen

S. Printed 3/7/19--S. [SEC 3/8/19 1:12 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 155) to amend Section 24‑13‑150, Code of Laws of South Carolina, 1976, relating to early release, discharge, and community supervision eligibility for an inmate convicted, 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 24‑13‑150(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the inmate has served at least eighty‑five percent of the actual term of imprisonment imposed. ~~This percentage~~ However, an inmate convicted of a ‘no parole offense’ who has been determined by the department’s inmate records office to have had no substantial or major disciplinary infractions and has substantially completed a rehabilitation program and the department’s reentry program is eligible for early release, discharge, and community supervision as provided in Section 24‑21‑560 once the inmate has served at least seventy‑seven percent of the term of imprisonment imposed. In addition to the previously stated requirements, an inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs is eligible for early release, discharge, and community supervision once the inmate has served sixty‑five percent of the term of imprisonment imposed. The provision related to an inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs applies retroactively to the term of imprisonment imposed. These percentages must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. The sentencing judge shall announce the minimum and maximum term of imprisonment imposed. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.”

SECTION 2. Section 24‑13‑210(B) of the 1976 Code is amended to read:

“(B) An inmate convicted of a ‘no parole offense’ against this State as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. An inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs, who has been determined by the department’s inmate records office to have had no substantial or major disciplinary infractions and has substantially completed a rehabilitation program and the department’s reentry program is eligible for early release, discharge, and community supervision once the inmate has served sixty-five percent of the term of imprisonment imposed. The provision related to an inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs applies retroactively to the term of imprisonment imposed and is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of six days for each month served. However, no inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No inmate convicted of a ‘no parole offense’ is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.”

SECTION 3. Section 24‑13‑230(B) of the 1976 Code is amended to read:

“(B) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a ‘no parole offense’ as defined in Section 24‑13‑100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. An inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs, who has been determined by the department’s inmate records office to have had no substantial or major disciplinary infractions and has substantially completed a rehabilitation program and the department’s reentry program is eligible for early release, discharge, and community supervision once the inmate has served sixty-five percent of the term of imprisonment imposed. The provision related to an inmate convicted of a ‘no parole offense’ related to controlled substances or other illegal drugs applies retroactively to the term of imprisonment imposed and is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twelve days for each month served subject to a maximal annual credit for both work credit and education credit is limited to one hundred forty-four days. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No prisoner convicted of a ‘no parole offense’ is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. A maximum annual credit for both work credit and education credit is limited to seventy‑two days.”

SECTION 4. 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 SECTION 24‑13‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EARLY RELEASE, DISCHARGE, AND COMMUNITY SUPERVISION ELIGIBILITY FOR AN INMATE CONVICTED OF A “NO PAROLE OFFENSE”, SO AS TO PROVIDE ELIGIBILITY FOR AN INMATE WHO HAS COMPLETED SIXTY‑FIVE PERCENT OF HIS SENTENCE UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE THAT AN INMATE’S WORK CREDITS, EDUCATION CREDITS, AND GOOD CONDUCT CREDITS MUST BE USED TO CALCULATE HIS DATE OF ELIGIBILITY FOR THESE PROGRAMS.

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

SECTION 1. Section 24‑13‑150(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the inmate has served at least eighty‑five percent of the actual term of imprisonment imposed. However, after serving fifty‑percent of his sentence, an inmate convicted of a ‘no parole offense’ who has been determined by the department’s inmate records office to have had no substantial or major disciplinary infractions and has substantially completed a rehabilitation program and the department’s reentry program is eligible for early release, discharge, and community supervision as provided in Section 24‑21‑560 once the inmate has served at least sixty‑five percent of the term of imprisonment imposed. The inmate shall remain under community supervision for a period no less than what equals eighty‑five percent of the inmate’s original sentence. ~~This percentage~~ These percentages must be calculated ~~without~~ with the application of earned work credits, education credits, or good conduct credits, ~~and is to be applied to the actual term of imprisonment imposed,~~ not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.”

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

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