~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 13, 2019

**H. 3072**

Introduced by Reps. Murphy and Hosey

S. Printed 2/13/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3072) to amend Section 17‑22‑50, Code of Laws of South Carolina, 1976, relating to persons not eligible to participate in a pretrial intervention program, etc., respectfully

**REPORT:**

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

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 17‑22‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS NOT ELIGIBLE TO PARTICIPATE IN A PRETRIAL INTERVENTION PROGRAM, SO AS TO CLARIFY THAT PERSONS WHO PREVIOUSLY PARTICIPATED IN AN ALCOHOL EDUCATION PROGRAM ARE NOT PREVENTED FROM SUBSEQUENT PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM.

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

SECTION 1. Section 17‑22‑50 of the 1976 Code is amended to read:

“Section 17‑22‑50. (A) A person must not be considered for intervention if:

(1) he previously has been accepted into an intervention program, except as provided in subsection (C); or

(2) the person is charged with:

(a) blackmail;

(b) driving under the influence or driving with an unlawful alcohol concentration;

(c) a traffic‑related offense which is punishable only by fine or loss of points;

(d) a fish, game, wildlife, or commercial fishery‑related offense which is punishable by a loss of eighteen points as provided in Section 50‑9‑1120;

(e) a crime of violence as defined in Section 16‑1‑60; or

(f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.

(C) A person’s prior participation in an alcohol education program does not prevent his subsequent participation in a pretrial intervention program pursuant to this article.”

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

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