~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

January 16, 2019

**S. 94**

Introduced by Senator Campsen

S. Printed 1/16/19--S. [SEC 1/17/19 11:18 AM]

Read the first time January 8, 2019.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 94) to amend Section 24‑21‑710 of the 1976 Code, relating to film, videotape, or other electronic information that may be considered by the Board of Probation, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND SECTION 24‑21‑710 OF THE 1976 CODE, RELATING TO FILM, VIDEOTAPE, OR OTHER ELECTRONIC INFORMATION THAT MAY BE CONSIDERED BY THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES IN PAROLE DETERMINATION, TO PROVIDE THAT THE VICTIM OF A CRIME’S IMMEDIATE FAMILY MAY SUBMIT FILM, VIDEOTAPE, OR WRITTEN OR OTHER ELECTRONIC INFORMATION, TO PROVIDE THAT ANY FILM, VIDEOTAPE, OR WRITTEN OR OTHER ELECTRONIC INFORMATION SUBMITTED BY THE VICTIM OR THE VICTIM’S IMMEDIATE FAMILY MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS UNLESS THE SUBMITTING PERSON PROVIDES A WRITTEN STATEMENT DECLARING THAT THE INFORMATION NO LONGER REPRESENTS THE PRESENT POSITION OF THE PERSON, AND TO PROVIDE THAT FILM, VIDEOTAPE, OR WRITTEN OR OTHER ELECTRONIC INFORMATION SUBMITTED BY THE PROSECUTING SOLICITOR'S OFFICE OR THE PERSON WHOSE PAROLE IS BEING CONSIDERED MAY BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS EACH TIME THE SUBMITTING OFFICE OR PERSON PROVIDES A WRITTEN STATEMENT DECLARING THAT THE INFORMATION REPRESENTS THE PRESENT POSITION OF THE OFFICE OR PERSON; AND TO AMEND SECTION 30-4-40(a) OF THE 1976 CODE, RELATING TO MATTERS EXEMPT FROM DISCLOSURE, TO PROVIDE THAT A PUBLIC BODY MAY EXEMPT FROM DISCLOSURE FILM, VIDEOTAPE, OR WRITTEN OR OTHER ELECTRONIC INFORMATION SUBMITTED BY THE VICTIM OF A CRIME FOR WHICH A PRISONER HAS BEEN SENTENCED OR BY THE VICTIM’S IMMEDIATE FAMILY.

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

SECTION 1. Section 24-21-710 of the 1976 Code is amended to read:

“Section 24-21-710. (A) Film, videotape, or written or other electronic information ~~that is both visual and aural,~~ submitted pursuant to this section~~,~~ must be considered by the Board of Probation, Parole and Pardon Services in making its determination of parole.

(B) Upon receipt of the notice required by ~~law~~ this chapter, the following ~~people~~ may submit film, videotape, or written or other electronic information:

(1) the victim of the crime, as defined in Section 16-3-1510, for which the prisoner has been sentenced;

(2) the victim’s immediate family;

(3) the prosecuting solicitor's office; and

~~(3)~~(4) the person whose parole is being considered.

(C) ~~The~~ A person submitting ~~the~~ electronic information shall provide the Board of Probation, Parole and Pardon Services with the following, if applicable:

(1) identification of each voice heard and each person seen;

(2) a visual or aural statement of the date the information was recorded; and

(3) the name of the person whose parole eligibility is being considered.

(D)(1) ~~If the film~~ Film, videotape, or written or other electronic information submitted pursuant to subsections (B)(1) and (2) of this section ~~is~~ must be retained by the board~~, it may be~~ and submitted at subsequent parole hearings, ~~each time that~~ unless the submitting person provides a written statement declaring that the information no longer represents the present position of the person ~~who is submitting the information~~.

(2) Film, videotape, or written or other electronic information submitted pursuant to subsections (B)(3) and (4) of this section may be submitted at subsequent parole hearings each time the submitting office or person provides a written statement declaring that the information represents the present position of the office or person.

(E) The Department of Corrections may install, maintain, and operate a two‑way closed circuit television system in one or more correctional institutions of the department that confines persons eligible for parole. The Board of Probation, Parole and Pardon Services shall install, maintain, and operate closed circuit television systems at locations determined by the board and conduct parole hearings by means of a two‑way closed circuit television system provided in this section. A victim of a crime must be allowed access to this system to appear before the board during a parole hearing.

(F) Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.

(G) The Director of the Department of Probation, Parole and Pardon Services may develop written policies and procedures for parole hearings to be held pursuant to this section.

(H) The Board of Probation, Parole and Pardon Services is not required to install, maintain, or operate film, videotape, or other electronic equipment to record a victim's testimony to be presented to the board.”

SECTION 2. Section 30-4-40(a) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) Film, videotape, or written or other electronic information submitted pursuant to Section 24-21-710 by the victim of a crime for which a prisoner has been sentenced or by the victim’s immediate family.”

SECTION 3. This act takes effect upon approval by the Governor.

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