**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3994**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Henegan, Kirby, Hart, Gilliard, J. Moore, Murray, Rivers, Collins, Bamberg, Brawley, Hosey, Clyburn, Thigpen, Govan, Pendarvis, Tedder, Jefferson, Atkinson, J.L. Johnson and Hill

Document Path: l:\council\bills\gt\6009cm21.docx

Companion/Similar bill(s): 170, 3623

Introduced in the House on March 2, 2021

Currently residing in the House Committee on **Judiciary**

Summary: Early release of and inmate

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2021 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj\20210302.docx))

3/2/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 10](file:///h:\hj\20210302.docx))

3/3/2021 House Member(s) request name added as sponsor: J.L.Johnson

3/24/2021 House Member(s) request name added as sponsor: Hill

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**VERSIONS OF THIS BILL**

[3/2/2021](file:///p:\pprever\2021-22\3994_20210302.docx)

**A** **BILL**

TO AMEND SECTION 24‑13‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARLY RELEASE OF AN INMATE, SO AS TO REDUCE THE PERCENTAGE OF TIME AN INMATE WHO HAS COMMITTED A “NO PAROLE OFFENSE” MUST SERVE BEFORE HE MAY BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION FROM EIGHTY‑FIVE PERCENT TO SIXTY‑FIVE PERCENT FOR CERTAIN DRUG OFFENSES, AND TO PROVIDE THIS REDUCTION APPLIES TO INMATES CURRENTLY INCARCERATED UNDER CERTAIN CIRCUMSTANCES.

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

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

“Section 24‑13‑150. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed or subject to the provisions contained in subsection (B), 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 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. 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.

(B) An inmate incarcerated for 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 sixty‑five percent of the actual term of imprisonment imposed if the conviction was pursuant to Section 56‑5‑2945. The department’s inmate records office must report no substantial or major disciplinary infractions. The inmate must have substantially completed a rehabilitation program and the department’s reentry program. These percentages must be calculated without the application of earned work credits, education credits, or good conduct credits, not including any portion of the sentence which has been suspended.

(C) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.”

SECTION 2. The provisions of this act take effect upon approval by the Governor and apply retroactively to inmates currently serving an active incarcerative sentence, subject to any more specific requirements or restrictions as may be provided.

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