**A** **BILL**

TO AMEND SECTIONS 17‑22‑50 AND 17‑22‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO ELIGIBILITY OF PERSONS WHO MAY PARTICIPATE IN PRETRIAL INTERVENTION PROGRAMS, BOTH SO AS TO REMOVE THE LIMITATION ON PERSONS PREVIOUSLY ACCEPTED INTO AN INTERVENTION PROGRAM SO THAT PERSONS MAY PARTICIPATE MORE THAN ONCE.

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; or~~

~~(2)~~ the person is charged with:

~~(a)~~(1) blackmail;

~~(b)~~(2) driving under the influence or driving with an unlawful alcohol concentration;

~~(c)~~(3) a traffic‑related offense which is punishable only by fine or loss of points;

~~(d)~~(4) 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)~~(5) a crime of violence as defined in Section 16‑1‑60; or

~~(f)~~(6) 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 may participate in a pretrial intervention program pursuant to the provisions of this article, or any other provision of law related to eligibility of pretrial intervention participation, more than once.”

SECTION 2. Section 17‑22‑60 of the 1976 Code is amended to read:

“Section 17‑22‑60. Intervention is appropriate only ~~where~~ when:

(1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program;

(2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process;

(3) it is apparent that the offender poses no threat to the community;

(4) it appears that the offender is unlikely to be involved in further criminal activity;

(5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;

(6) the offender has no significant history of prior delinquency or criminal activity~~;~~

~~(7)~~ ~~the offender has not previously been accepted in a pretrial intervention program~~.”

SECTION 3. This act takes effect upon approval by the Governor and applies to persons who participated in an intervention program before the effective date of this act.

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