

NO. 50

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

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WEDNESDAY, APRIL 6, 2022

**Wednesday, April 6, 2022**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 51:11

Addressing the Lord God, the Psalmist writes: "Do not cast me away from your presence, and do not take your holy spirit from me."

Let us pray: It is quite possible, O Loving God, that moreso now than in a long, long time we desperately need Your holy presence here in this, the Capitol of South Carolina. Indeed, we need You with us in our meeting rooms, in our offices, along the walkways, in both the House and the Senate Chambers, out under the Dome. And it is not that we just take comfort from Your Holy presence Lord. The truth is we all desperately need Your constant guidance, Your loving embrace, Your unfailing reminders of what is good and of what is not. So today we pray, O God, that You will lead and bless everyone who serves You and the people of our State here in this place. We fervently pray all this, Lord, in Your blessed and most holy name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 12:34 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Climer	Cromer
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	McElveen

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Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Turner	Williams	Young

A quorum being present, the Senate resumed.

**PRIVILEGE OF THE CHAMBER**

On motion of Senator MALLOY, with unanimous consent, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Coach Dawn Staley and the South Carolina Women's basketball team in recognition of their winning the 2022 NCAA Championship.

**Doctor of the Day**

Senator K. JOHNSON introduced Dr. Robert Ridgeway of Manning, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator HUTTO, at 1:45 P.M., Senator HARPOOTLIAN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator TURNER, at 1:45 P.M., Senator TALLEY was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator BENNETT, at 1:45 P.M., Senator SENN was granted a leave of absence until 3:00 P.M.

**Leave of Absence**

At 1:47 P.M., Senator SETZLER requested a leave of absence for Thursday, April 7, 2022.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:  
S. 1052     Sen. Gustafson

**RECALLED**

H. 4828 -- Reps. Jefferson, Gilliard, McDaniel, Weeks and Murray:  
A CONCURRENT RESOLUTION TO REQUEST THE

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DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY FROM ITS INTERSECTION WITH THE ENTRANCE TO THE RIDGEVILLE INDUSTRIAL CAMPUS TO TIMOTHY CREEK "VICTORIA W. DELEE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4977 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF NORTH WILLISTON ROAD AND EAST POCKET ROAD IN FLORENCE COUNTY "REVEREND DR. WAYMON MUMFORD INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND READ THE SECOND TIME**

S. 1237 -- Senators McLeod, Matthews, Shealy, Senn and Gustafson: A BILL TO AMEND ARTICLE 142, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALSO PROVIDE FOR THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2022 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT.

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Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

The Bill was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration today.

Senator HUTTO asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator HUTTO with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**Motion Under Rule 26B**

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1238 -- Senators Matthews, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE ALIYAH BOSTON'S STELLAR PERFORMANCE DURING THE 2022 NCAA CHAMPIONSHIP AND TO CONGRATULATE HER ON HER EXCEPTIONAL CAREER.

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The Senate Resolution was adopted.

S. 1239 -- Senators Matthews, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson,

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K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE DESTANNI HENDERSON'S STELLAR PERFORMANCE DURING THE 2022 NCAA CHAMPIONSHIP AND TO CONGRATULATE HER ON HER EXCEPTIONAL CAREER.

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The Senate Resolution was adopted.

S. 1240 -- Senators Malloy, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND CELEBRATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM FOR WINNING THE 2022 NCAA CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1241 -- Senator Matthews: A BILL TO ADD TWO MEMBERS TO THE WALTERBORO-COLLETON COUNTY AIRPORT COMMISSION.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1242 -- Senators Young, M. Johnson, Hembree, McElveen, Williams, Climer, Bennett, Rice, Kimbrell, Loftis, Garrett, Jackson, Gustafson and Shealy: A BILL TO AMEND SECTION 59-117-10 OF THE 1976 CODE, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59-117-20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2023; TO AMEND SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE

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CHAIRMAN SERVES A TWO YEAR-TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

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Read the first time and referred to the Committee on Education.

S. 1243 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HAYNIE STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 20 "REVEREND JESSE L. JACKSON, SR. STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 1244 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE RAYMOND G. FARMER UPON THE OCCASION OF HIS RETIREMENT AS DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF INSURANCE, TO COMMEND HIM FOR HIS NINE AND A HALF YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 1245 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS AND MARKERS TO COMMEMORATE THE LADY GAMECOCKS BASKETBALL TEAM WINNING THE 2022 NCAA CHAMPIONSHIP.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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S. 1246 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAKING SALTWATER FISHERY PRODUCTS FOR COMMERCIAL OR SCIENTIFIC PURPOSES, SO AS TO REMOVE CONFIDENTIALITY PROVISIONS.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 1247 -- Senator Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA STEM OPPORTUNITY ACT" BY ADDING ARTICLE 17 TO CHAPTER 1, TITLE 13 SO AS TO ESTABLISH THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) COALITION WITHIN THE SOUTH CAROLINA DEPARTMENT OF COMMERCE, THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) EDUCATION FUND WITHIN THE STATE TREASURY, AND THE SC STEM COALITION ADVISORY COUNCIL, AND TO PROVIDE THEIR RESPECTIVE PURPOSES AND FUNCTIONS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1248 -- Senator Davis: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 3 AND FRIDAY, NOVEMBER 4 AND MONDAY, NOVEMBER 14, 2022. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

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The Senate Resolution was adopted.

H. 4608 -- Reps. Trantham, Oremus, Burns, McCravy, G. R. Smith, M. M. Smith, B. Cox, Bennett, McGarry, Taylor, Jones, Gilliam, Yow, Hixon, Hill, Gagnon, Whitmire, Haddon, Bannister, Magnuson, May,



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Dabney, Long, Willis, McCabe, Morgan, Bryant, V. S. Moss, Nutt, T. Moore, Forrest, Bailey, West, Thayer, White, McKnight, Atkinson, Fry, Caskey, Blackwell, Ballentine, Wooten, Huggins, Chumley and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SAVE WOMEN'S SPORTS ACT" BY ADDING SECTION 59-1-500 SO AS TO EXPRESS LEGISLATIVE INTENT AND MAKE CERTAIN FINDINGS; TO REQUIRE GENDER-BASED OR COEDUCATIONAL DESIGNATION OF CERTAIN PUBLIC SECONDARY AND POSTSECONDARY SCHOOL SPORTS TEAMS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR MALES MAY BE OPEN TO FEMALE STUDENT PARTICIPANTS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR FEMALES MAY NOT BE OPEN TO MALE PARTICIPANTS; TO PROVIDE ASSUMPTIONS CONCERNING THE CORRECTNESS OF BIOLOGICAL GENDER STATEMENTS ON OFFICIAL BIRTH CERTIFICATES OF STUDENTS; AND TO PROVIDE REMEDIES TO STUDENTS AND SCHOOLS FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

Read the first time and referred to the Committee on Education.

H. 5057 -- Reps. Simrill, Pope, Erickson and W. Newton: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2021 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Read the first time and referred to the Committee on Finance.

H. 5074 -- Reps. Haddon, Allison, Burns and Hiott: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND

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**RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND  
TO PROVIDE FOR THE DISSOLUTION OF THE STUDY  
COMMITTEE.**

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 5206 -- Reps. R. Williams, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. LARRY WATSON FOR HIS DEDICATION TO IDENTIFYING AND PRESERVING THE CONTRIBUTIONS OF THE STATE'S AFRICAN AMERICANS THROUGH HIS SERVICE AS A MEMBER OF THE SOUTH CAROLINA AFRICAN AMERICAN HERITAGE COMMISSION AND TO CONGRATULATE HIM FOR RECEIVING THE JANNIE HARRIOT FOUNDERS AWARD FOR HIS UNWAVERING COMMITMENT TO THE GROWTH AND SUSTAINABILITY OF THE SOUTH CAROLINA AFRICAN AMERICAN HERITAGE COMMISSION.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5210 -- Reps. Collins, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder,

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Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK DONE TO COMBAT CHILD MALTREATMENT, AND TO DECLARE TUESDAY, APRIL 5, 2022, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

**Message from the House**

Columbia, S.C., April 6, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. G.M. Smith, Rutherford and W. Newton to the Committee of Conference on the part of the House on:

H. 3696 -- Reps. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

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Very respectfully,  
Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1209 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE TUESDAY, APRIL 5, 2022, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 1021 -- Senators Campsen and Grooms: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

On motion of Senator CAMPSEN.

**AMENDED, READ THE THIRD TIME  
SENT TO THE HOUSE**

S. 1218 -- Senator Matthews: A BILL TO AMEND ACT 278 OF 1985, AS LAST AMENDED BY ACT 185 OF 2020, TO REDUCE THE NUMBER OF JASPER COUNTY BOARD OF EDUCATION SINGLE-MEMBER DISTRICTS FROM NINE TO SEVEN; TO STAGGER THE TERMS OF MEMBERS ELECTED IN 2022; AND TO ESTABLISH THE SEVEN SINGLE-MEMBER DISTRICTS.

The Senate proceeded to a consideration of the Bill.

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Senator MATTHEWS proposed the following amendment (ZW\1218C002.AR.ZW22), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. SECTION 2 of Act 476 of 1998 is amended to read:

“SECTION 2. (A) The single-member districts of the Jasper County School District shall be as follows:

**DISTRICT 1**

Area Population

Jasper County

**GILLISONVILLE**

Tract 9501.00

~~Blocks: 152, 158, 159, 160, 161, 162, 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 189, 190, 192, 193 611~~

**GRAYS**

Tract 9501.00

~~Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 163, 164, 165, 171. . . . . 680~~

**PINELAND**

Tract 9501.00

~~Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 242, 243, 244, 245, 246, 247, 250, 251, 283, 284 425~~

~~DISTRICT TOTAL . . . . . 1,716~~

~~PERCENT VARIATION . . . . . 0.290~~

**DISTRICT 2**

Area Population

Jasper County

**PINELAND**

Tract 9501.00

~~Blocks: 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 248, 249, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 285 619~~

**RIDGELAND 1**

Tract 9501.00

WEDNESDAY, APRIL 6, 2022

~~Blocks: 301, 302, 303, 304, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338 344~~

~~Traet 9502.00~~

~~Blocks: 226, 227B. .... 32~~

~~TILLMAN~~

~~Traet 9501.00~~

~~Blocks: 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 430, 432, 433, 436, 437, 439, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 467, 495, 496, 497 697~~

~~DISTRICT TOTAL. .... 1,692~~

~~PERCENT VARIATION. .... 1.685~~

~~DISTRICT 3~~

~~Area Population~~

~~Jasper County~~

~~COOSAWHATCHIE~~

~~Traet 9502.00~~

~~Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197. ....  
... 716~~

~~GRAHAMVILLE 2~~

~~Traet 9502.00~~

~~Blocks: 301, 302, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 333, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 435, 436, 437, 438, 439, 440, 445, 446, 447, 448, 449, 014~~

~~GRAYS~~

~~Traet 9501.00~~

~~Blocks: 120, 121, 153, 154, 155, 156, 157 22~~

~~DISTRICT TOTAL. .... 1,752~~

~~PERCENT VARIATION. .... +1.801~~

~~DISTRICT 4~~

~~Area Population~~

~~Jasper County~~

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COOSAWHATCHIE

Tract 9502.00

Blocks: 134, 135, 136, 137, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160 178

GILLISONVILLE

Tract 9501.00

Blocks: 183, 187, 188, 191, 194, 195, 196, 197 135

RIDGELAND 1

Tract 9501.00

Blocks: 305, 306, 307, 308, 322, 323, 324, 325 200

Tract 9502.00

Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213A, 213B, 213C, 214, 215, 216, 217, 218, 219, 220, 221, 222A, 222B, 223, 224, 225, 227A, 228, 229A, 229B, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 303, 304, 305, 306, 307, 308, 309A, 309B, 310, 342, 343, 344A, 344B, 345, 346, 347, 348, 349, 350A, 350B, 351A, 351B, 352A, 352B, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371 1,259

DISTRICT TOTAL..... 1,772

PERCENT VARIATION .....+2.963

DISTRICT 5

Area Population

Jasper County

GRAHAMVILLE 1

Tract 9502.00

Blocks: 501, 542, 543, 544, 545, 546, 547, 548, 549, 550, 558, 559, 618, 619 .. 369

RIDGELAND 1

Tract 9501.00

Blocks: 347, 348, 349, 350, 351, 352, 353, 354 199

RIDGELAND 2..... 1,194

TILLMAN

Tract 9501.00

Blocks: 438..... 0

DISTRICT TOTAL..... 1,762

PERCENT VARIATION .....+2.382

DISTRICT 6

Area Population

Jasper County

HARDEEVILLE 1

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~~Tract 9503.00~~

~~Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226C, 227B, 228, 229, 230, 235B, 236, 237B, 238, 239B, 259 269~~

~~HARDEEVILLE 2 .....1,189~~

~~TILLMAN~~

~~Tract 9501.00~~

~~Blocks: 428, 429, 431, 434, 435, 440, 441, 442, 443, 444, 445, 446, 447, 465, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494.....121~~

~~Tract 9503.00~~

~~Blocks: 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 135, 136, 194 79~~

~~DISTRICT TOTAL.....1,658~~

~~PERCENT VARIATION...3.660~~

~~DISTRICT 7~~

~~Area Population~~

~~Jasper County~~

~~GRAHAMVILLE 1~~

~~Tract 9502.00~~

~~Blocks: 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 670, 694, 695, 696, 697 739~~

~~GRAHAMVILLE 2~~

~~Tract 9502.00~~

~~Blocks: 311, 332, 334, 335, 336, 337, 338, 339, 340, 341, 353, 354, 355, 356, 357, 358, 432, 441, 442, 443, 444, 450, 451.....657~~

~~OKATIE.....328~~

~~DISTRICT TOTAL.....1,724~~

~~PERCENT VARIATION.....+0.174~~

~~DISTRICT 8~~

~~Area Population~~

~~Jasper County~~

~~HARDEEVILLE 1~~

~~Tract 9503.00~~

~~Blocks: 226A, 226B, 227A, 231, 232, 233A, 233B, 233C, 234A, 234B, 235A, 237A, 239A, 240, 241, 242, 243A, 243B, 244, 245A, 245B,~~



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~~246, 247, 248, 249, 250, 251, 252A, 252B, 253, 254, 255, 256, 257, 258,  
260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273,  
274, 275, 276, 277, 301A, 301B, 302, 303, 304, 305, 306A, 306B, 307A,  
307B, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320,  
321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332A, 333A,  
333B, 333C, 340A, 341A, 341B, 342, 343, 344A, 344B, 345, 346, 414,  
415, 416..... 1,759~~

~~DISTRICT TOTAL..... 1,759  
PERCENT VARIATION..... +2.208~~

**DISTRICT 9**

Area Population

Jasper County

LEVY..... 1,652

~~DISTRICT TOTAL..... 1,652~~

~~PERCENT VARIATION..... 4.009~~

<u>District</u>	<u>Pop.</u>	<u>Dev.</u>	<u>%Dev.</u>	<u>Hisp.</u>
<u>1</u>	<u>4,023</u>	<u>43</u>	<u>1.08%</u>	<u>998</u>
<u>2</u>	<u>3,809</u>	<u>-171</u>	<u>-4.30%</u>	<u>1,135</u>
<u>3</u>	<u>3,976</u>	<u>-4</u>	<u>-0.10%</u>	<u>770</u>
<u>4</u>	<u>3,991</u>	<u>11</u>	<u>0.28%</u>	<u>300</u>
<u>5</u>	<u>4,046</u>	<u>66</u>	<u>1.66%</u>	<u>703</u>
<u>6</u>	<u>3,887</u>	<u>-93</u>	<u>-2.34%</u>	<u>304</u>
<u>7</u>	<u>4,132</u>	<u>152</u>	<u>3.82%</u>	<u>830</u>
<u>Totals</u>	<u>27,864</u>			<u>5,040</u>

<u>District</u>	<u>NH White</u>	<u>%NH White</u>	<u>NH DOJ Blk</u>	<u>%NH DOJ Blk</u>
<u>VAP</u>	<u>%VAP</u>			
<u>1</u>	<u>1,583</u>	<u>39.35%</u>	<u>1,297</u>	<u>32.24%</u>
	<u>73.95%</u>			<u>2,975</u>
<u>2</u>	<u>1,102</u>	<u>28.93%</u>	<u>1,445</u>	<u>37.94%</u>
	<u>74.11%</u>			<u>2,823</u>
<u>3</u>	<u>1,666</u>	<u>41.90%</u>	<u>1,403</u>	<u>35.29%</u>
	<u>76.11%</u>			<u>3,026</u>
<u>4</u>	<u>1,686</u>	<u>42.25%</u>	<u>1,914</u>	<u>47.96%</u>
	<u>77.55%</u>			<u>3,095</u>
<u>5</u>	<u>1,358</u>	<u>33.56%</u>	<u>1,896</u>	<u>46.86%</u>
	<u>78.08%</u>			<u>3,159</u>
<u>6</u>	<u>3,249</u>	<u>83.59%</u>	<u>218</u>	<u>5.61%</u>
	<u>95.14%</u>			<u>3,698</u>
<u>7</u>	<u>2,183</u>	<u>52.83%</u>	<u>996</u>	<u>24.10%</u>
	<u>82.26%</u>			<u>3,399</u>

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<u>Totals</u>	<u>12,827</u>	<u>46.03%</u>	<u>9,169</u>	<u>32.91%</u>	
<u>District</u>	<u>HVAP</u>	<u>%HVAP</u>	<u>NHWVAP</u>	<u>%NHWVAP</u>	
<u>NHDOJBVAP</u>	<u>%NHDOJBVAP</u>				
<u>1</u>	<u>583</u>	<u>19.60%</u>	<u>1,324</u>	<u>44.50%</u>	<u>968</u>
	<u>32.54%</u>				
<u>2</u>	<u>701</u>	<u>24.83%</u>	<u>936</u>	<u>33.16%</u>	<u>1107</u>
	<u>39.21%</u>				
<u>3</u>	<u>474</u>	<u>15.66%</u>	<u>1,424</u>	<u>47.06%</u>	<u>1,013</u>
	<u>33.48%</u>				
<u>4</u>	<u>191</u>	<u>6.17%</u>	<u>1,369</u>	<u>44.23%</u>	<u>1,466</u>
	<u>47.37%</u>				
<u>5</u>	<u>470</u>	<u>14.88%</u>	<u>1,138</u>	<u>36.02%</u>	<u>1,484</u>
	<u>46.98%</u>				
<u>6</u>	<u>223</u>	<u>6.03%</u>	<u>3,195</u>	<u>86.40%</u>	<u>178</u>
	<u>4.81%</u>				
<u>7</u>	<u>562</u>	<u>16.53%</u>	<u>2,001</u>	<u>58.87%</u>	<u>731</u>
	<u>21.51%</u>				
<u>Totals</u>	<u>3,204</u>	<u>14.45%</u>	<u>11,387</u>	<u>51.35%</u>	<u>6,947</u>
	<u>31.33%</u>				

(B) ~~The Office of Research and Statistical Services of the Budget and Control Board shall maintain an official map of the districts established in subsection (A) and shall, upon request, assist the local election officials and the district in implementing the provisions of this act. Notwithstanding another provision of law, beginning with the school district elections conducted in 2022, the election districts for the members of the Board of Trustees of the Jasper County School District are established and delineated on map number S-53-00-22 as maintained by the Revenue and Fiscal Affairs Office.~~

(C) The exterior boundaries of the Jasper County School District are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base."/

- Renumber sections to conform.
- Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

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There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 5138 -- Reps. Hosey and Bamberg: A BILL TO AMEND ACT 105 OF 2021, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY SCHOOL DISTRICTS 29 AND 19, SO AS TO PROVIDE THAT IF THE TERM OF AN INCUMBENT MEMBER OF EITHER OF THE TWO PRESENT BOARDS EXPIRES DURING THE DISTRICTS' CONSOLIDATION TRANSITIONAL PERIOD, THEN THE BARNWELL COUNTY LEGISLATIVE DELEGATION MAY REAPPOINT THAT MEMBER FOR A TRUNCATED TERM TO EXPIRE ON JULY 1, 2022.

**SECOND READING BILL**

S. 1220 -- Senator Rice: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF PICKENS COUNTY BOARD OF TRUSTEES, SO AS TO REAPPORTION THE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REVISED ELECTION DISTRICTS, AND TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED.

On motion of Senator RICE.

**AMENDED, SECOND READING BILL**

H. 5159 -- Reps. G.R. Smith, Allison, Bannister, Burns, Chumley, B. Cox, W. Cox, Dillard, Elliott, Haddon, Morgan, Robinson, Trantham and Willis: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2022, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE NEWLY DRAWN ELECTION DISTRICTS.

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The Senate proceeded to a consideration of the Bill.

Senator TURNER proposed the following amendment (5159R001.SP.RT), which was adopted:

Amend the bill, as and if amended, on page 2, by striking line 11 and inserting:

/ 26 33,197 6,397 19.27% 20,798 62.65% /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question being second reading of the Bill.

There being no further amendments, the Bill, as amended, was read the second time, ordered to a third reading.

**SECOND READING BILL**

S. 1235 -- Senator Matthews: A BILL TO AMEND ACT 190 OF 1991, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY, SO AS TO REAPPORTION THE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REVISED ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO REMOVE ARCHAIC LANGUAGE.

On motion of Senator MATTHEWS.

**AMENDMENT PROPOSED  
CARRIED OVER**

S. 984 -- Senators Hembree, Massey, Gustafson and Rankin: A BILL TO AMEND SECTION 6-1-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, SO AS TO PROVIDE THAT A SERVICE OR USER FEE MUST BE USED TO THE NONEXCLUSIVE BENEFIT

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OF THE PAYERS; AND TO AMEND SECTION 6-1-330, RELATING TO A SERVICE OR USER FEE, SO AS TO PROVIDE THAT A PROVISION APPLIES TO AN ENTIRE ARTICLE.

The Senate proceeded to a consideration of the Bill.

Senators KIMPSON, HEMBREE and DAVIS proposed the following amendment (984R002.SP.MEK):

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Notwithstanding Section 8-21-30, et seq., no public officer shall be personally liable for any amount charged pursuant to SECTION 1. This SECTION applies retroactively to any service or fee imposed after December 31, 1996. /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

On motion of Senator DAVIS, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED  
READ THE THIRD TIME  
SENT TO THE HOUSE**

S. 1120 -- Senators Peeler and Alexander: A BILL TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

The Senate proceeded to a consideration of the Bill.

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The Committee on Finance proposed the following amendment (DG\1120C001.NBD.DG22), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. A. Section 12-6-3795 of the 1976 Code, as added by Act 137 of 2020, is amended to read:

“Section 12-6-3795. (A) As used in this section:

(1) ‘Eligibility statement’ means a statement authorized and issued by the South Carolina State Housing and Finance Development Authority certifying that a given project qualifies for the South Carolina housing tax credit, including any preliminary determination thereof.

(2) ‘Federal housing tax credit’ means the federal tax credit as provided in Section 42 of the Internal Revenue Code of 1986, as amended.

(3) ‘Median income’ means those incomes that are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size.

(4) ‘Project’ means a housing project that has restricted rents that do not exceed thirty percent of income for at least forty percent of its units occupied by persons or families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income.

(5) ‘Qualified project’ means a qualified low-income building as that term is defined in Section 42 of the Internal Revenue Code of 1986, as amended, that is located in South Carolina and receives approval for tax credits from the South Carolina Housing and Finance Development Authority provided pursuant to this section.

(6) ‘Taxpayer’ means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to South Carolina taxes pursuant to Section 12-6-510, Section 12-6-530, Chapter 11, Title 12, or Chapter 7, Title 38.

(7) ‘Federal 9 percent tax credit’ means the federal housing tax credit described in Section 42(b)(1)(B)(i) of the Internal Revenue Code.

(8) ‘Federal 4 percent tax credit’ means the federal housing tax credit described in Section 42(b)(1)(B)(ii) of the Internal Revenue Code.

(9) ‘Credit period’ has the meaning defined in Section 42(f)(1) of the Internal Revenue Code.

(10) ‘State housing authority’ means the South Carolina State Housing Finance and Development Authority.

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(11) 'Department of Revenue' means the South Carolina Department of Revenue.

(B)(1) A state tax credit pursuant to this section may be claimed against income taxes imposed by Section 12-6-510 or 12-6-530, bank taxes imposed pursuant to Chapter 11, Title 12, corporate license fees imposed pursuant to Chapter 20, Title 12, and insurance premium and retaliatory taxes imposed pursuant to Chapter 7, Title 38, to be termed the South Carolina housing tax credit, and is allowed with respect to each qualified project placed in service after January 1, 2020, and before December 31, 2030, in an amount ~~equal~~ not to exceed the federal housing tax credit allowed with respect to such qualified project, subject to the limitations of item (5). In computing a tax payable by a taxpayer pursuant to Section 38-7-90, the credit allowed pursuant to this section must be treated as a premium tax paid pursuant to Section 38-7-20.

(2)(a) If under Section 42 of the Internal Revenue Code of 1986, as amended, a portion of any federal housing tax credit taken on a project is required to be recaptured, the taxpayer claiming any ~~state~~ South Carolina housing tax credit with respect to such project also is required to recapture a portion of any ~~state~~ South Carolina housing tax credit authorized by this section. The state recapture amount is equal to the proportion of the ~~state~~ South Carolina housing tax credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal housing tax credit amount subject to recapture.

(b) In the event that recapture of any South Carolina housing tax credit is required, any ~~amended~~ return submitted to the Department of Revenue, as provided in this section, shall include the proportion of the ~~state~~ South Carolina housing tax credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of South Carolina housing tax credit previously allocated to such taxpayer. Any recapture of the South Carolina housing tax credit is reported in the same manner as any recapture of the federal housing tax credit.

(3) The total amount of the South Carolina housing tax credit allowed by this section for a taxable year may not exceed the taxpayer's income tax liability. Any unused South Carolina housing tax credit may be carried forward to apply to the taxpayer's next five succeeding years' tax liability. The taxpayer may not apply the credit against any prior tax years' tax liability.

(4) The South Carolina housing tax credit ~~allowed by this section~~, and any recaptured tax credit, must be allocated among some or all of the partners, members, or shareholders of the entity owning the project in any manner agreed to by such persons, regardless of whether such

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persons are allocated or allowed any portion of the federal housing tax credit with respect to the project.

(5)(a) The South Carolina housing tax credit allowed for any project must supplement but not supplant the federal housing tax credit and must be limited to an amount necessary only to achieve financial feasibility of the project.

(b) The total amount of all South Carolina housing tax credits that may be allocated in any calendar year must not exceed fifteen million dollars, plus the total of all unallocated tax credits, if any, for any preceding years, and the total amount of any previously allocated tax credits that have been recaptured, revoked, canceled, or otherwise recovered but not otherwise reallocated.

(c) Of the dollar limitation prescribed in subitem (b), the total amount of South Carolina housing tax credits allocated to qualified projects utilizing the federal 9 percent tax credit must not exceed forty percent of the dollar limitation prescribed in subitem (b). Of the South Carolina housing tax credits allocated to qualified projects utilizing the federal 9 percent tax credit, not less than fifty percent of the South Carolina housing tax credits must be allocated to qualified projects located in an eligible rural area as designated by the United States Department of Agriculture, with the remainder allocated to (i) qualified projects serving older persons or persons with special needs, irrespective of rural eligibility criteria; (ii) qualified projects supporting workforce development as certified by the South Carolina Department of Commerce, irrespective of rural eligibility criteria; and (iii) other qualified projects, irrespective of rural eligibility criteria.

(d) Compliance with the dollar limitations of subitems (b) and (c) must be determined by the total amount of South Carolina housing tax credits allocated for one full-year of the credit period applicable to each qualified project, and not the total amount of South Carolina housing tax credits allocated for the entire credit period applicable to each qualified project. Compliance with the dollar limitations of subitems (b) and (c) must be determined within each calendar year at the time the state housing authority makes a preliminary determination of any qualified project's eligibility for the South Carolina housing tax credit.

(e) In addition to the dollar limitation of subitem (b), allocation of any South Carolina housing tax credit to any qualified project utilizing the federal 4 percent tax credit is conditioned on among other things availability and allocation to the extent necessary for the qualified



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project of any state ceiling made pursuant to Article 3, Chapter 11, Title 1.

(C)(1) The state housing authority shall promulgate rules establishing criteria upon which the eligibility statements are issued which must include consideration of evidence of local support for the project. The eligibility statement must specify the amount of the South Carolina housing tax credit allowed, and must include: (i) the annual amount of South Carolina housing tax credit allocated to the qualified project for each year of credit period; and (ii) the total amount of South Carolina housing tax credit allocated to the qualified project for the entire credit period.

(2) The state housing authority may not issue an eligibility statement until the taxpayer provides a report to the state housing authority detailing how the state South Carolina housing tax credit authorized by this section will benefit the tenants of the project, once placed in service, including, but not limited to, including without limitation reduced rent, or and why the state South Carolina housing tax credit authorized by this section is necessary to undertake essential to the financial feasibility of the project.

(3) The state housing authority must establish uniform criteria for allocating the South Carolina housing tax credit to eligible projects pursuant to a competitive process that promotes highest value and greatest public benefit. The state housing authority must establish the criteria required by this section as part of any qualified allocation plan adopted to administer the federal housing tax credit, which must include without limitation an opportunity for public comment at a public hearing conducted by the state housing authority. The criteria established pursuant to this section, and any qualified allocation plan are subject to the prior review and comment of the Joint Bond Review Committee.

(4) The state housing authority must furnish no later than January thirty-first of each year an annual report of South Carolina housing tax credits allocated pursuant to this section, which must include for the preceding calendar year the total amount of South Carolina housing tax credits allocated, and for each project, the project name and location, the amount of the South Carolina housing tax credits allocated to the project, project ownership, total number of units assisted, and the public benefit achieved by the project. The annual report must be furnished to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Joint Bond Review Committee, and the State Fiscal Accountability Authority.

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(D) The Department of Revenue, in consultation with the ~~South Carolina State Housing Finance and Development Authority~~ state housing authority, may adopt rules and policies necessary to implement and administer the provisions of this section; provided, however, that the state housing authority has the responsibility for: (i) allocation and administration of the South Carolina housing tax credit; and (ii) ensuring that the limits prescribed by subsection (B)(5)(b) and (B)(5)(c) are not exceeded.

(E) Notwithstanding any other provision of law, the provisions of this section and administration thereof are subject to the oversight, and review and comment as appropriate, of the Joint Bond Review Committee.”

B.1. Notwithstanding the limitations prescribed by Section 12-6-3795(B)(5)(b), (c), and (d) in SECTION 1.A., the General Assembly hereby provides a one-time authorization of South Carolina housing tax credits in an amount necessary but not exceeding one hundred million dollars for qualified projects approved before December 31, 2021, by the State Fiscal Accountability Authority or the South Carolina State Housing and Finance Development Authority, as applicable. Any allocations of South Carolina housing tax credits made pursuant to this provision are subject to the review and comment of the Joint Bond Review Committee. Not later than thirty days following enactment hereof, the South Carolina State Housing and Finance Development Authority must identify and report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Joint Bond Review Committee, and the State Fiscal Accountability Authority all qualified projects to which this one-time authorization of South Carolina housing tax credits is proposed to apply. The report must be made in such form and substance as may be directed by the Joint Bond Review Committee. Nothing in this provision grants any rights to, or in the processes used in the determination of, allocation of this one-time authorization of South Carolina housing tax credits. Decisions made pursuant to this provision are final and are not subject to judicial or administrative review.

2. This subSECTION B takes effect upon approval by the Governor.

C. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2021./

Amend the bill further, SECTION 2, by striking Sections 1-11-520 and 1-11-530 and inserting:

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/ Section 1-11-520. (A) The private activity bond limit for all state government issuing authorities now or hereafter authorized to issue private activity bonds as defined in the act, to be known as the "state government pool", is forty percent of the state ceiling less any amount shifted to the local pool as described in subsection (B) of this section or plus any amount shifted from that pool. No later than September thirtieth of the year preceding the calendar year to which the state ceiling applies, and subject to review and comment by the Joint Bond Review Committee, the state authority must publish a State Ceiling Allocation Plan that assigns percentages of the state ceiling to categories of any of the permitted purposes prescribed by the Internal Revenue Code. Without limitation, categories of permitted purposes may include industrial and economic development bonds; single family housing bonds; multifamily housing bonds; student loan bonds; and any other bonds eligible for tax exemption as a private activity bond pursuant to the Internal Revenue Code. No initial assignment to any single category may exceed forty percent of the state ceiling, and no minimum assignment is required for any category.

(B) The private activity bond limit for all issuing authorities other than state government agencies, to be known as the "local pool", is sixty percent of the state ceiling plus any amount shifted from the state government pool or less any amount shifted to that pool. Further, the allocation plan must provide for a process of periodic allocations of the state ceiling within each category, which for any period generally may not exceed an amount of the state ceiling allocated to that category equally divided among the number of periods in the year during which allocations are to be made; provided, however, that the state authority may, upon findings of exceptional and compelling circumstances, amend the annual allocation plan following review and comment by the committee.

(C) The board, with review and comment by the Joint Bond Review Committee, may shift unallocated amounts from one pool to the other at any time. Notwithstanding the assigned percentages set forth in the allocation plan, the state authority may but need not reassign any state ceiling unused in prior periods as a supplement to and means to address demand for ceiling allocation in a subsequent period. Such re-assignment may be made for any allocation category, notwithstanding its original assignment.

(D) Unless otherwise approved in writing by the state authority following justification and substantial findings of significance, no authorized request may receive an allocation of state ceiling applicable

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to that calendar year exceeding ten percent of the total state ceiling in the case of an industrial or economic development project, or five percent of the total state ceiling for any other allocation category.

(E) The allocation plan must establish competitive criteria for allocation of state ceiling to authorized requests. Competitive criteria may be unique to each category but must be uniform within each category and established to achieve highest value and greatest public benefit. Discussions of matters related to the periodic evaluation of authorized requests may be conducted in executive session. The state authority may utilize the services of the South Carolina Department of Commerce, the South Carolina State Housing Finance and Development Authority, any other state agency, and any other public or private resources to inform and provide services for the development of the allocation plan, including the evaluation and competitive criteria; and the periodic evaluation of authorized requests. The Department of Commerce and the State Housing Finance and Development Authority are directed to provide to the state authority such assistance as may be requested or required to accomplish the purposes of this article.

(F) Allocations of state ceiling to authorized requests must be made in accordance with the provisions of the allocation plan and policies and procedures adopted by the state authority.

(G) The state authority must determine the disposition of any remaining, unused state ceiling during the final period of the calendar year pursuant to a petition submitted in accordance with Section 1-11-530(D).

Section 1-11-530. (A) For private activity bonds proposed for issue by other than state government issuing authorities, an authorized request is a request included in a petition to the ~~board~~ state authority that a specific amount of the state ceiling be allocated to the bonds for which the petition is filed. The petition must be accompanied by: (i) a copy of the Inducement Contract, Inducement Resolution, or other comparable preliminary approval entered into or adopted by the issuing authority, if any, relating to the bonds. ~~The board shall forward promptly to the committee a copy of each petition received, and (ii) such other supporting documentation as the state authority may by policy prescribe.~~

(B) For private activity bonds proposed for issue by any state government issuing authority, an authorized request is a request included in a petition to the ~~board~~ state authority that a specific amount of the state ceiling be allocated to the bonds for which the petition is filed. The petition must be accompanied by: (i) a bond resolution or comparable action by the issuing authority authorizing the issuance of the bonds. ~~The~~

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board shall forward promptly to the committee a copy of each petition received, and (ii) such other supporting documentation as the state authority may by policy prescribe.

(C) Each authorized request must demonstrate that the allocation amount requested constitutes all of the private activity bond financing contemplated at the time for the project and any other facilities located at or used as a part of an integrated operation with the project.

(D) An issuing authority seeking an allocation of any remaining unused state ceiling for carry-forward designation must submit to the state authority a petition identifying the types of tax-exempt bonds to which the carryforward designation will apply. The petition must be accompanied by such other supporting documentation as the state authority may by policy prescribe. Such allocations are not subjected to the provisions of Section 1-11-520(D), (E), and (F).

(E) Notwithstanding any other provision of this article, the state authority may disapprove, reduce, or defer any authorized request or petition for carry-forward.

(F) The state authority must periodically furnish to the Joint Bond Review Committee a report of petitions received, along with their dispositions. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 2**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Kevin</i>
Kimbrell	Malloy	Martin
Massey	Matthews	McElveen

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McLeod	Peeler	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

**Total--37**

**NAYS**

Cash                      *Johnson, Michael*

**Total--2**

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4319 -- Reps. Calhoun, Huggins, Erickson, McCabe, Henderson-Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder, Bennett, R. Williams, Jefferson, Alexander and Kirby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-88 SO AS TO PROVIDE UPON THE REQUEST OF A PERSON, THE DEPARTMENT OF MOTOR VEHICLES MUST ISSUE A REAL ID COMPLIANT DRIVER'S LICENSE THAT CONTAINS THE PERSON'S NAME AS IT APPEARS ON HIS CURRENT DRIVER'S LICENSE.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 613 -- Senator Davis: A BILL TO AMEND SECTION 40-33-42(C) OF THE 1976 CODE, RELATING TO RESTRICTIONS ON THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL UNDER THE NURSE PRACTICE ACT, TO PROVIDE AN EXCEPTION FOR CERTIFIED MEDICAL ASSISTANTS; TO AMEND ARTICLE 1, CHAPTER 47, TITLE 40 OF THE 1976 CODE, RELATING TO PHYSICIANS AND MISCELLANEOUS HEALTH

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CARE PROFESSIONALS, BY ADDING SECTION 40-47-196, TO SPECIFY TASKS THAT CAN BE DELEGATED TO A CERTIFIED MEDICAL ASSISTANT; TO DELETE SECTION 40-47-30(A)(5) AND SECTION 40-47-935(C) OF THE 1976 CODE, RELATING TO THE RELEVANCE OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT TO PROHIBITING A LICENSED PHYSICIAN FROM DELEGATING TASKS TO UNLICENSED PERSONNEL AND TO A PA DELEGATING CERTAIN TASKS TO UNLICENSED ASSISTIVE PERSONNEL; AND TO DEFINE NECESSARY TERMS.

S. 674 -- Senators Kimbrell, Rice, Talley, M. Johnson, Harpootlian and Loftis: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, BY ADDING SECTION 59-17-170, TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE CHIEF FINANCIAL OFFICER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE CHIEF FINANCIAL OFFICER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

S. 697 -- Senator Verdin: A BILL TO AMEND SECTION 44-43-400 OF THE 1976 CODE, RELATING TO THE JURISDICTION OF A CORONER OVER A BODY THAT IS THE SUBJECT OF AN ANATOMICAL GIFT, TO CLARIFY THAT THE CORONER MUST COOPERATE EXPEDITIOUSLY WITH A PROCUREMENT ORGANIZATION TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS FOR THE PURPOSE OF TRANSPLANTATION, THERAPY, RESEARCH, OR EDUCATION, EVEN WHEN PERFORMING AN INVESTIGATION.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE THIRD TIME  
SENT TO THE HOUSE**

S. 945 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION

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59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2023.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\945C001.RT.WAB22), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59-19-85. (A) For the purpose of increasing public engagement in district business and making the decision-making process more visible and accessible to the community it serves, each public school governing body, including the governing bodies of charter schools and special schools, must make reasonable and necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are open and accessible to the public and also available by means of live electronic access, such as livestream transmission, except during a lawful executive session.

(B) Even if a governing body cannot provide such live electronic public access despite making reasonable and necessary efforts to restore livestream transmission during the meeting, it must make a clear audio and video recording of the meeting in its entirety available on its website as soon as practicable and in no event more than two business days after the meeting.

(C) The State Board of Education shall adopt, and revise as necessary, a model livestream meeting policy suitable for governing bodies of public schools, including charter and special schools, to comply with provisions in this section. The policy must include, at a minimum:

(1) resources, recommendations, and best practices facilitating requirements for all portions of streamed meetings to be visible and



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audible in real-time and subsequently posted on applicable websites within two business days of the meeting; and

- (2) suggested approaches for developing and implementing livestreaming and expanding or improving existing livestream capacity;
- (3) publicizing availability of livestream meetings;
- (4) allowances for executive sessions; and
- (5) penalties for policy violations or noncompliance not to exceed one percent of state funds to the district, charter school, or special school, with escalating tiers based on frequency, duration, and severity that the State Board of Education determines are reasonable and necessary to ensure the integrity of meeting governance.

(D)(1) Each public school governing body, including the governing bodies of charter schools and special schools, shall adopt a local policy applicable to its meetings within three months after adoption of the model policy by the State Board of Education. A local policy must include, at a minimum, the State Board of Education model policy.

(2) If the State Board of Education adopts a revision to the model policy, then the governing body shall adopt and incorporate the revision into its local policy within three months after the adoption of the revision by the State Board of Education.

(3) A governing body only may adopt or revise its local policy at a regularly scheduled meeting, which must be successfully livestreamed.

(4) A governing body may not adopt or follow a livestream policy that prevents or impedes in-person participation by the public except as may be reasonable and necessary for the orderly transaction of its business.

(5) Within thirty days after adoption of a local policy or revision to the policy, a governing body shall submit a copy of the policy or revision to the State Superintendent of Education for State Board of Education approval.”

SECTION 2. The provisions of this act must be implemented before July 1, 2023.

SECTION 3. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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Senator HEMBREE proposed the following amendment (WAB\op), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-19-85(C) by adding an appropriately numbered item to read:

/ ( ) the process for allowing a governing body with evidence of limited or no broadband access to request approval from the State Board of Education for up to an additional twelve months to comply with provisions in this section. /

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

**Total--39**

**NAYS**

**Total--0**

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There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 969 -- Senators Garrett, Kimbrell, Rice, Adams, Talley, Cash, M. Johnson, Gustafson, Hembree, Loftis, Shealy, Peeler, Climer, Gambrell, Turner and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-325 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO MAKE RULES AND REGULATIONS REQUIRING THE DISPLAY OF THE OFFICIAL MOTTOS OF THE UNITED STATES OF AMERICA AND SOUTH CAROLINA.

S. 1045 -- Senators Alexander and M. Johnson: A BILL TO AMEND SECTION 58-23-20 OF THE 1976 CODE, RELATING TO REGULATIONS FOR TRANSPORTATION BY MOTOR VEHICLE, TO PROVIDE REGULATIONS FOR THE OPERATION OF TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-25 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY, TO PROVIDE FOR THE STATUTORY CONSTRUCTION OF THE CHAPTER RELATED TO THE LIMITATION OF CERTAIN AUTHORITY VESTED WITH PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY; TO AMEND SECTION 58-23-30 OF THE 1976 CODE, RELATING TO THE DEFINITION OF COMPENSATION, TO DEFINE TRANSPORTATION VEHICLES ACCORDINGLY; TO AMEND SECTION 58-23-60(5) OF THE 1976 CODE, RELATING TO AREAS IN WHICH THIS CHAPTER IS NOT APPLICABLE TO BUSINESSES, TO INCLUDE VEHICLES OPERATED BY A MUNICIPALITY; TO AMEND SECTION 58-23-210 OF THE 1976 CODE, RELATING TO CLASSES OF CERTIFICATES, TO PROVIDE A TIMELINE FOR THE APPLICATION OF A COMMISSION'S DIRECTIVES; TO AMEND SECTION 58-23-220 OF THE 1976 CODE, RELATING TO CLASS A CERTIFICATES, TO PROVIDE THAT THE COMMISSION SHALL ISSUE DIRECTIVES TO ISSUE CLASS A CERTIFICATES; TO AMEND SECTION 58-23-230 OF THE 1976 CODE, RELATING TO CLASS B CERTIFICATES,

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TO REGULATE THE POWERS OF THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-23-240 THROUGH SECTION 58-23-290 OF THE 1976 CODE, RELATING TO CERTIFICATES, TO ALTER LANGUAGE; TO AMEND SECTION 58-23-330 OF THE 1976 CODE, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF CERTIFICATE, TO PROVIDE REGULATIONS FOR ISSUING OR DENYING A CERTIFICATE UPON RECEIPT OF AN APPLICATION; TO AMEND SECTION 58-23-560 OF THE 1976 CODE, RELATING TO LICENSE FEES FOR CERTIFICATE HOLDERS, TO PROVIDE ELIGIBILITY REGULATIONS FOR CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-590 OF THE 1976 CODE, RELATING TO CARRIERS OF HOUSEHOLD GOODS AND HAZARDOUS WASTE FOR DISPOSAL, TO PROVIDE THE POWERS OF THE COMMISSION; TO AMEND SECTION 58-23-600 OF THE 1976 CODE, RELATING TO TIME FOR PAYMENT OF FEES, TO PROVIDE REGULATIONS FOR FEES REQUIRED OF CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-910 AND SECTION 58-23-930 OF THE 1976 CODE, RELATING TO INSURANCE OR BOND, TO PROVIDE INSURANCE, BOND, OR CERTIFICATE OF SELF-INSURANCE REQUIREMENTS FOR CERTIFICATE HOLDERS; TO AMEND SECTIONS 58-23-1010, 58-23-1020, 58-23-1080, AND 58-23-1090 OF THE 1976 CODE, RELATING TO RIGHTS AND DUTIES GENERALLY, TO PROVIDE REGULATIONS FOR FEES, LICENSES, AND OTHER MARKERS; TO AMEND SECTION 58-4-60(B)(1) OF THE 1976 CODE, RELATING TO EXPENSES BORNE BY REGULATED UTILITIES, TO REFERENCE THE PROVISIONS IN THE CODE GENERATING FEES THAT ARE TO BE USED TO PAY FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT OF THE OFFICE OF REGULATORY STAFF; AND TO AMEND CHAPTER 23, TITLE 58 OF THE 1976, RELATING TO MOTOR VEHICLE CARRIERS, TO REPEAL SECTIONS 58-23-300, 58-23-530, 58-23-540, 58-23-550, AND 58-23-1060.

S. 1103 -- Senators Shealy, Jackson, Talley, Davis, Gustafson, M. Johnson, Young, Kimbrell, McElveen, Williams, Cromer, Grooms, Alexander, Gambrell, Setzler and Malloy: A BILL TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING

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**SECTION 59-3-35 TO PROVIDE FOR THE DISTRIBUTION OF CHILD IDENTIFICATION KITS.**

S. 1136 -- Senators Loftis, Talley, Turner and Climer: A BILL TO ENACT THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO AMEND CHAPTER 67, TITLE 40 OF THE 1976 CODE, RELATING TO SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BY ADDING ARTICLE 5, TO OUTLINE STATE PARTICIPATION IN THE COMPACT, TO OUTLINE PRIVILEGES FOR AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS RESULTING FROM THE COMPACT, TO ALLOW FOR THE PRACTICE OF TELEHEALTH, TO PROVIDE ACCOMMODATIONS FOR ACTIVE-DUTY MILITARY PERSONNEL AND THEIR SPOUSES, TO PROVIDE A MECHANISM FOR TAKING ADVERSE ACTIONS AGAINST LICENSEES, TO ESTABLISH THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION, TO ESTABLISH A DATA SYSTEM, TO OUTLINE THE RULEMAKING PROCESS, TO ADDRESS OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT DUTIES AND RESPONSIBILITIES, TO ESTABLISH THE DATE OF IMPLEMENTATION OF THE COMMISSION, RULES, WITHDRAWAL, AND AMENDMENTS, TO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY, AND THE BINDING EFFECT OF THE COMPACT; TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS"; AND TO DEFINE NECESSARY TERMS.

S. 1179 -- Senator Shealy: A BILL TO AMEND SECTION 40-63-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SOCIAL WORKERS, SO AS TO DEFINE THE TERM "TELEHEALTH"; TO AMEND SECTION 40-63-290, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS SOCIAL WORKERS, SO AS TO SIMILARLY EXEMPT CERTAIN INDEPENDENT SOCIAL WORKERS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE; TO AMEND SECTION 40-75-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF

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PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO DEFINE THE TERM "TELEHEALTH"; AND TO AMEND SECTION 40-75-290, AS AMENDED, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO SIMILARLY EXEMPT SUCH PROFESSIONALS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE.

S. 1200 -- Senators Kimbrell and Talley: A BILL TO AMEND SECTION 50-25-1320 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON LAKE WILLIAM C. BOWEN, TO REVISE THE MOTOR RESTRICTIONS ON THE LAKE.

S. 1204 -- Senator Alexander: A BILL TO AMEND SECTION 7-7-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

**READ THE SECOND TIME**

S. 1032 -- Senators Martin, Verdin, Kimbrell and Garrett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23-6-60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

The Senate proceeded to a consideration of the Bill.

The question then being second reading of the Bill.

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The Bill was read the second time, passed and ordered to a third reading.

**Motion Adopted**

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**CARRIED OVER**

S. 1175 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5072, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CAMPSSEN, the Resolution was carried over.

**READ THE SECOND TIME**

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V.S. Moss, Pope, Forrest, J.L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

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The question then being second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.



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**OBJECTION**

S. 544 -- Senator Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-25 SO AS TO PROVIDE AN OPEN ENROLLMENT OPTION IN PUBLIC SCHOOLS, AND TO PROVIDE RELATED APPLICATION AND ENROLLMENT PROCEDURES; TO AMEND SECTION 59-40-145, RELATING TO INTERDISTRICT ATTENDANCE IN CHARTER SCHOOLS, SECTION 59-63-30, RELATING TO PUBLIC SCHOOL ATTENDANCE QUALIFICATIONS, SECTION 59-63-32, RELATING TO PUBLIC SCHOOL ENROLLMENT REQUIREMENTS, AND SECTION 59-63-480, RELATING TO PUBLIC SCHOOL ATTENDANCE REQUIREMENTS IN ADJACENT COUNTIES, ALL SO AS TO MAKE CONFORMING CHANGES; TO REPEAL SECTION 59-63-45, RELATING TO INTERDISTRICT STUDENT TRANSFER REIMBURSEMENTS, AND SECTION 59-63-500, RELATING TO INTERDISTRICT STUDENT TRANSFER CONSENT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2021.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (544R001.KMM.GH):

Amend the bill, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59-63-25. (A) Beginning with the 2023-2024 school year, each local board of trustees shall follow the policy and procedures established pursuant to this section for extending open enrollment opportunities that allow parents to apply for their child to enroll in any particular program or school.

(B) Using a template developed and provided by the Department of Education and approved by the State Board of Education, each local board of trustees shall develop and adopt an open enrollment policy based on its evaluation of available data reflecting student, school, district, and community needs. The board shall ensure that the policy developed, and data used to develop the policy, and related procedures are posted prominently on the district web site, and shall provide the Department with its policy in a web-posting format.

(1) The open enrollment policy and process must :

(a) adhere to federal desegregation and other educational requirements;

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(b) identify and describe the application requirements, timeline, and communication plan;

(c) allow parents to declare school preferences, including placement of siblings within the same school;

(d) describe lottery and a wait list policies, and an appeal process for adverse decisions;

(e) include the policies adopted by the board regarding capacity standards, standards of approval and denial, priorities of acceptance for enrollment; and transportation;

(f) include a disclosure of:

(i) whether the district will charge nonresident students a fee to cover costs associated with their enrollment that are not covered by federal or state funding;

(ii) itemized fees, including the amount of each fee, charged by the district to nonresident students to cover the costs associated with their enrollment that is not covered by federal and state funding; and

(iii) whether the district has a mitigation or fee waiver process, and a description of such process for any fees charged under this section; and

(g) include a component addressing public awareness of open enrollment opportunities, accessing data on the open enrollment capacity of a school, the district application process and timeline, and written procedures for notification of acceptance or denial of an application.

(2) In implementing the provisions of this section, a school district may but is not required to :

(a) make alterations in the structure of a requested school or to the arrangement or function of rooms within a requested school;

(b) establish and offer any particular program in a school if such program is not currently offered in the school;

(c) alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance;

(d) expand the capacity of a program or school for the purpose of accommodating increased demand for open enrollment opportunities;

(e) provide transportation to a student accepted pursuant to this section who is attending a school outside of the attendance zone of their residence; however, nothing in this section may be construed to prohibit the district from providing bus transportation on an approved route, from requesting state or federal funds for this purpose, or from entering into an agreement with another district to provide transportation; or

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(f) have more than one open enrollment application deadline for intra-district applications, or for inter-district applications. Applications shall be accepted no earlier than November 1<sup>st</sup> in a calendar year with a cut off for applications no later than January 31<sup>st</sup> of the subsequent calendar year; however, a district may establish one or more subsequent deadlines as may be reasonable and necessary and in conformance with this section.

(3) In complying with this section, a school district is not required to transfer local funds for a student enrolling in a nonresident school district.

(4) The State Board of Education through the State Superintendent of Education shall establish a standard inter-district open enrollment timeline for parents and districts to follow.

(C)(1) In implementing the provisions of this section, a student who :

(a) currently resides in the attendance zone of a school;

(b) qualifies to attend a school within the attendance zone pursuant to Section 59-63-30(c), 59-63-31, 59-63-425, or 59-63-550; or

(c) is a returning student who continues to meet the requirements of the program or school,

must not be displaced by a student transferring from outside the attendance zone.

(2) In the assignment of students for enrollment opportunities remaining after students assigned pursuant to (1), enrollment priority shall be given as follows, unless and until a district has a policy in place in the school year prior to implementation of this section that is revised to conform pursuant to (G):

(a) first, to students who meet the requirements of the program or school and who seek to attend the designated school in the district's feeder pattern;

(b) second, to the siblings of students residing in the same household already enrolled in the school, provided that any siblings seeking priority under this section meet the requirements of the program or school; and

(c) third, to students whose parent or legal guardian is assigned to the school as his primary place of employment, with any remaining spaces being filled pursuant to a lottery procedure:

(i) for intra-district open enrollment applicants, then

(ii) if any remaining, for interdistrict open enrollment applicants.

(3) The policies must not have the purpose or effect of causing racial segregation in a school or the school district.

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(4) Denial of permission to enroll in a particular program or school may only be provided in the following situations:

(a) there is a documented lack of capacity in the school, level, or program requested, in which case priority must be given to a student who currently resides in the attendance zone of a school;

(b) the school requested does not offer a particular program requested;

(c) the pupil does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance;

(d) a desegregation plan is in effect for the school district and the denial is necessary to enable compliance with the desegregation plan;

(e) the student is subject to provisions in Section 59-63-210 or Section 59-63-217; or

(f) any combination of subitems (a) through (e).

(5) A school or district receiving an application request for enrollment from a student pursuant to this section and district policy shall respond with a written decision accepting or denying the request within thirty days after the application deadline as published.

(a) If a request is denied, the written decision must cite the specific reasons for the denial and include notice of the opportunity for the parent to appeal the denial pursuant to the district grievance policy and timeline developed and adopted pursuant to this Chapter and in accordance with state statute.

(b) If a school or district fails to respond with its written decision within thirty days after the application deadline as published or to respond to a request for a subsequent appeal in a timely manner, the request shall be considered accepted and the student may enroll in the program or school, subject to other applicable laws regarding the enrollment of students in public schools.

(D) An open enrollment policy adopted by a local board of trustees shall:

(1) clearly distinguish intra-district policies from inter-district policies;

(2) be reviewed and updated periodically by the board, using the template provided by the Department; and

(3) be submitted initially, and if and as amended, to the Department of Education.

(E) The Department shall include all district open enrollment policies on its School Choice website portal, and shall annually by October first provide an update to the State Board of Education, the

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Senate Education Committee Chair, and House Education and Public Works Chair on the status, progress, innovations, evolving best practices and challenges of implementing the program, including identifying districts which have not submitted a policy.

(F) A school district in the process of consolidation may apply to the State Board of Education for a waiver from compliance with some or all of the requirements of this chapter until the consolidation is completed. Thereafter, the provisions of this section must apply to the district pursuant to the manner and timeline specified in the waiver request.

(G) Except as provided herein, provisions in this section apply to a district which has a documented open enrollment procedure in place during the school year prior to implementation of this chapter. Using a template provided by the Department, such districts shall develop and submit a plan for conforming to provisions for State Board of Education approval, and annual updates on status of meeting the agreed upon timeline.

SECTION 2. Section 59-63-30 of the 1976 Code is amended to read:

“Section 59-63-30. ~~Children~~ A pupil within the ages prescribed by Section 59-63-20 ~~shall be~~ is entitled to attend the public schools of any school district, without charge, ~~only if qualified under the following provisions of this section~~ the pupil has maintained a satisfactory scholastic record in accordance with scholastic standards of achievement prescribed by the trustees pursuant to Section 59-19-90, has not been guilty of an infraction of the rules of conduct promulgated by the trustees of such school district pursuant to Section 59-19-90, and:

~~(a)(1) Such child~~ resides with its his parent or legal guardian at the parent’s or legal guardian’s primary residence in the school district; or

~~(b) The parent or legal guardian, with whom the child resides, is a resident of any such school district; or~~

~~(c)(2) on or before June 30, 2022, The child owns~~ owned real estate in the district having an assessed value of three hundred dollars or more, and attended a school in that district.;

~~—and~~

~~(d) The child has maintained a satisfactory scholastic record in accordance with scholastic standards of achievement prescribed by the trustees pursuant to Section 59-19-90; and~~

~~(e) The child has not been guilty of an infraction of the rules of conduct promulgated by the trustees of such school district pursuant to Section 59-19-90.”~~

SECTION 3. Section 59-63-32 of the 1976 Code is amended to read:

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“Section 59-63-32. (A) The school district may require an adult seeking to enroll a child who resides with the adult pursuant to Section 59-63-31(1)(c) to accept responsibility for making educational decisions concerning the child. These educational decisions may include, but not be limited to, receiving notices of discipline pursuant to Sections 59-63-230 and 59-63-240, attending conferences with school staff, and granting permission for athletic activities, field trips, and other activities as required.

(B) The school district also must require an adult to complete and sign an affidavit:

(1) confirming the qualifications set out in Section 59-63-31(A)(1)(c) establishing residency of the child in the school district;

(2) attesting that the child’s claim of residency in the district is not primarily related to attendance or achieving an unreasonable advantage in enrollment priority at a particular school within the district; and

(3) accepting responsibility for educational decisions for the child.

(C) Upon receipt of the affidavit provided for in subsection (B), the child must be admitted to an appropriate school pending the results of any further procedures for determining eligibility and priority for attendance within the school district.

(D) If it is found that information contained in the affidavit provided for in subsection (B) is false, the child must be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate district grievance policy.

(E) If it is found that a person wilfully and knowingly has provided false information in the affidavit provided for in subsection (B) to enroll a child in a school or district for which the child is not eligible or eligible for enrollment priority, the maker of the false affidavit is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed two hundred dollars or imprisoned for not more than thirty days and also must be required to pay to the school district an amount equal to the cost to the district of educating the child during the period of enrollment. Repayment does not include funds paid by the State.

(F) The affidavit which is required by school districts under this section must include, in large print, the penalty for providing false information on the affidavit.”

SECTION 4. Section 59-63-480 of the 1976 Code is amended to read:

“Section 59-63-480. If ~~school children~~ a pupil in one county ~~reside~~ resides closer to ~~schools~~ a school in a school district located in an

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adjacent county, ~~they then he~~ may attend ~~such schools upon that school~~ by applying for enrollment through the applicable school district's open enrollment procedures and policies. Alternatively, the school ~~authorities~~ district board of trustees of the school district in which the pupil resides ~~of the county of their residence arranging~~ may arrange with the school ~~officials~~ district board of trustees of the school district in the adjacent county for ~~such admission to the school~~ and upon payment of appropriate charges as ~~herein authorized as provided for in this section~~. The school board of trustees in the school district in which the ~~pupils reside~~ pupil resides shall make written application for the pupil's admission through ~~its county board of education~~ to the school board of trustees of the district in which the school is located ~~for the admission of such children;~~ The written application must include the pupil's age, giving full information as to ages, residence, and school attainment; Upon receipt of the pupil's application, the school board of trustees of the receiving school district shall calculate the monthly per pupil cost not covered by State funds. Upon proper arrangement being made for the monthly payment of the per pupil cost not covered by State funds, the pupil shall be admitted to the school in the adjacent county. ~~and the~~ The board of trustees in the receiving school district, agreeing to accept ~~such pupils~~ the pupil, shall give a written statement of agreement to the school district board of trustees in the school district in which the pupil resides. ~~Upon receipt of such application the board of trustees of the school and its county board of education shall determine the monthly per pupil cost of all overhead expenses of the school, which will include all expenses of the school not paid by the State. Upon proper arrangement being made for the payment monthly of such overhead per pupil cost for each such child the same shall be admitted to the schools of the adjacent county."~~

SECTION 5. Section 59-63-500 of the 1976 Code is repealed .

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect upon approval by the Governor . /  
Renumber sections to conform.

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Amend title to conform.

Senator HEMBREE explained the Bill.

Senator SABB objected to further consideration of the Bill.

**CARRIED OVER**

H. 3859 -- Reps. Jordan, Sandifer, Kirby and Cogswell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

On motion of Senator BENNETT, the Bill was carried over.

**CARRIED OVER**

H. 4831 -- Reps. Elliott, B. Cox, Caskey, Ballentine, Wooten, McGarry, Forrest, Erickson, Bernstein, Wetmore, Carter, Atkinson, Cogswell, W. Cox, Weeks, Wheeler, Henegan and Murray: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF COMMERCE TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY TO EVALUATE THE STATE'S BUSINESS ADVANTAGES, ECONOMIC CLIMATE, WORKFORCE READINESS, AND ANY OTHER RELEVANT STATE ASSETS TO CREATE A ROADMAP TO EFFECTIVELY COMPETE IN ATTRACTING OFFSHORE WIND ENERGY SUPPLY CHAIN INDUSTRIES TO THE STATE; AND TO PROVIDE FOR THE PURPOSE AND DUTIES OF THE STUDY.

On motion of Senator MARTIN, the Bill was carried over.

**AMENDMENT PROPOSED  
READ THE SECOND TIME**

S. 22 -- Senators Hutto, Shealy and Jackson: A BILL TO AMEND SECTION 63-19-820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACING CHILDREN IN AN ADULT JAIL,



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SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; TO AMEND SECTION 63-19-1020, RELATING TO THE RIGHT OF CERTAIN PERSONS AND ENTITIES INJURED BY DELINQUENT ACTS OF A CHILD TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE CHILD, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF CERTAIN CHILDREN TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; TO AMEND SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE OF JUVENILES ADJUDICATED DELINQUENT BY THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 63-19-2050, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN COURT RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (JUD0022.001):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be referred to as the "South Carolina Juvenile Justice Reform Act".

SECTION 2. Section 63-1-20 of the 1976 Code is amended to read:

"Section 63-1-20. (A) A children's policy is hereby established for this State.

(B) This policy shall be interpreted in conjunction with all relevant laws and regulations and shall apply to all children who have need of services including, but not limited to, those mentally, socially, emotionally, physically, developmentally, culturally, educationally or economically disadvantaged or handicapped, those dependent, neglected, abused or exploited and those who by their circumstance or

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action violate the laws of this State and are found to be in need of treatment or rehabilitation.

(C) It shall be the policy of this State to concentrate on the prevention of children's problems as the most important strategy which can be planned and implemented on behalf of children and their families. The State shall encourage community involvement in the provision of children's services including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups and private-for-profit groups in order to encourage and provide innovative strategies for children's services. To maximize resources in providing services to children in need, all agencies providing services to children shall develop methods to coordinate their services and resources. For children with multiple needs, the furtherance of this policy requires all children's services agencies to recognize that their jurisdiction in meeting these children's needs is not mutually exclusive.

(D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care and guidance the State shall secure those services as are needed to serve the emotional, mental and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall ~~insure~~ ensure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive homes so that they may become members of a family by legal adoption or, absent that possibility, other permanent settings.

(E) It shall be the policy of this State that the primary goal of the juvenile justice system is to provide for any child who comes within the jurisdiction of the family court with the care and guidance as will secure his or her physical, emotional, moral, and mental well-being as well as to provide for the safety and security of the child and the community as a whole. It is the intent of the General Assembly to promote a system

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that will impose accountability for violations of the law, while also providing the treatment, rehabilitation, and education that will equip our children with the ability to live responsible and productive lives, preferably in the child's own home. These policies seek to guarantee due process of law in every proceeding, through which all interested parties are assured fair hearings at which legal rights are recognized and enforced. Above all, this chapter shall be liberally construed to reflect that the paramount juvenile justice policy of this state is to ensure the best interests of children who fall within the family court's jurisdiction.

To accomplish these goals, juvenile justice policies shall be designed and construed to recognize that the ultimate solutions to juvenile crime must be family-based and community-centered. The policy implementation must protect the public safety and support the strengthening of families and educational institutions. Policies must facilitate efficient and effective cooperation, coordination and collaboration among agencies of the local, state and federal government; be outcome-based, allowing for the effective and accurate assessment of program performance; and encourage public and private partnerships to address community risk factors.

The General Assembly also recognizes that placing children in state custody is associated with higher rates of repeat offenses and negative outcomes for the child. It is, therefore, the intent of the General Assembly to preserve and strengthen family relationships, countenancing the removal of a child from his or her home only when it is essential to protect the child. Whenever the court places children in state custody or requires children to participate in community-based interventions, every effort shall be made to ensure these removals or interventions are supported by researched evidence and are mindful of and influenced by research into the effects of trauma, mental health disorders, and other factors on children's development and rehabilitation.

~~(E)~~(F) The children's policy provided for in this chapter shall be implemented through the cooperative efforts of state, county and municipal legislative, judicial and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those children in greatest need.

~~(F)~~(G) In order to carry out this policy each agency, department, institution, committee, and commission which is concerned or responsible for children shall submit as a part of its annual budget request a listing of programs and services for children, the priority order of these programs and services in relation to other services, if any, that are

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provided by the agency, department, institution, committee, or commission, and a summary of the expenses incurred for the administration of its children's services and programs. In addition, each agency, department, institution, committee, and commission which must submit pursuant to law an annual report to the General Assembly shall include as part of the report a comprehensive statement of how its children's services and programs contributed to the implementation of this policy. Copies of all these budget requests and annual reports must be provided to the Office of the Governor by the agency, department, institution, committee, or commission."

SECTION 3. Chapter 19, Title 63 of the 1976 Code is amended by adding:

"Article 6

Juvenile Offender Civil Citations

Section 63-19-700. Each circuit solicitor may establish a juvenile offender civil citation program to provide a civil alternative to criminal prosecution for eligible children who have committed acts of delinquency as set forth in this article. The Juvenile Offender Civil Citation Program shall be coordinated by a statewide civil citation coordinator within the Department of Juvenile Justice and shall include assessment and intervention services that a child voluntarily agrees to complete in lieu of formal custody and prosecution.

Section 63-19-710. A law enforcement officer having probable cause to believe that a child has committed or attempted to commit an eligible offense of delinquency may refer an eligible child to the Juvenile Offender Civil Citation Program through the issuance of a civil citation. The issuance of a civil citation shall be at the discretion of the law enforcement officer and limited to qualified child offenders. Participation in the Juvenile Offender Civil Citation Program is voluntary on the part of the child offender. Referral to the Juvenile Offender Civil Citation Program shall be made with the consent of the victim if one exists, however, ultimate discretion to admit the child remains with the solicitor's office. The parent or guardian of the child may refuse the child's participation at any time.

Section 63-19-720. (A) A child is eligible to participate in a civil citation program only if he is alleged to have committed an eligible offense. An allegation of the commission of an ineligible offense in addition to an eligible offense precludes participation in the program. An eligible offense includes all alleged offenses except:

- (1) any violent offense as defined by Section 16-1-60;

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(2) any offense that may be classified as an A, B, C, or D felony;  
and

(3) any offense involving allegations of harassment or stalking, involving a firearm, or of failure to stop for a blue light.

(B) For the purposes of this article, an 'eligible child offender' means a child who meets both of the following:

(1) no prior adjudication of delinquency, and

(2) no prior referral to the Juvenile Offender Civil Citation Program or any other diversion program unless more than one year has elapsed since the first referral and the prior referral was for a different offense.

(C) A law enforcement officer who chooses not to refer an otherwise eligible child to a civil citation program must provide the reason or reasons for the lack of the referral on a report provided to the program administrator within ten business days from the date the child was taken into custody. The officer must provide the justifications with reasonable specificity for each instance.

Section 63-19-730. (A) A civil citation provided to the child shall include a description of the offense alleged to have been committed; contact information for the designated civil citation program; notification that the child must contact the identified civil citation program within seven business days to schedule their intake and initial assessment; and a warning that failure to contact and to participate with the identified civil citation program may result in the child's detention and the commencement of delinquency proceedings as otherwise provided in this chapter.

(B) At the time of issuance of a civil citation by the law enforcement officer, the law enforcement officer shall advise the child that the child has the option to refuse the civil citation and instead be taken into custody and be subject to the jurisdiction of the family court and prosecution as otherwise provided in this chapter. Upon issuance of a civil citation, the law enforcement officer shall submit the civil citation to the appropriate juvenile civil citation program administrator.

(C) A child issued a civil citation shall contact the identified civil citation program office within seven business days or as otherwise directed in the civil citation and thereafter report to the identified program office to which the child is referred.

(D) Program administrators shall assess referred children using an approved risk assessment tool and may recommend the child to participate in counseling, treatment, community service, or other

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interventions appropriate to the needs of the child as identified by the assessment.

(E) Upon successful completion of all terms and conditions of the Juvenile Offender Civil Citation Program, the child shall be discharged without detention.

(F) If the child fails to comply with any requirements of the Juvenile Offender Civil Citation Program, including any assessments or required services, or otherwise violates any terms or conditions imposed by the program, the child shall be unsuccessfully discharged from the Juvenile Offender Civil Citation Program. The civil citation program administrator shall serve notice upon on the child to appear before the family court and shall advise the referring law enforcement officer of a child's unsuccessful termination from the program. If the child is not able to be served by the program administrators, the officer, upon receiving notice that the child to whom they have issued a civil citation has been unsuccessfully discharged from the Juvenile Offender Civil Citation Program, shall be authorized to take the child into custody or serve notice to appear before the family court and to commence delinquency proceedings as otherwise provided in this chapter.

(G) The solicitor's office and program administrators may not impose a fee for participation in the program.

(H) Participation in the Juvenile Offender Civil Citation Program shall not, with respect to a subsequent detention, serve to disqualify or otherwise preclude a child from participating in any diversion program at the discretion of the circuit solicitor.

Section 63-19-740. Final discretion regarding the eligibility of program participants remains with the program administrators who may waive requirements of victim consent or failure to contact the office within the required time periods if it is in the best interest of the child to do so.

Section 63-19-750. The Department of Juvenile Justice shall maintain a database of program participants for the purpose of identifying eligibility and overall program statistics. Specific information pertaining to each participant is confidential and not subject to disclosure under the Freedom of Information Act unless otherwise provided for by law. Any necessary information shall be disclosed to law enforcement, civil citation program offices, circuit solicitor's offices, or the Attorney General's office for the purposes of establishing eligibility of participants, or may be disclosed by court order. The results of the offender's participation in the program shall be disclosed to the victim of the offense if one exists. Generalized program statistics, data, and

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information that do not identify a specific program participant are not considered confidential under this subsection.”

SECTION 4. Section 16-17-425 of the 1976 Code is amended to read:

“Section 16-17-425. (A) It is unlawful for a student of a school or college in this State to make threats to ~~take the life of or to inflict bodily harm upon another~~ commit an act of mass violence at a school, college, or school- or college-sponsored activity by using any form of communication whatsoever. As used in this section, ‘an act of mass violence’ means an act that a reasonable person would conclude could lead to serious bodily injury or death to two or more people.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both.

(C) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other criminal statute.”

SECTION 5. Section 16-23-430 of the 1976 Code is amended to read:

“Section 16-23-430. (A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a ~~blackjack, a metal pipe or pole, firearms~~ firearm, or any other type of weapon, device, or object ~~which may be used~~ with the intent by the person to inflict serious bodily injury or death.

(B) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property a weapon, device, or object with the intent to inflict bodily injury.

(C) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

~~(C)~~(D) A person who violates the provisions of subsection (A) of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. A person who violates the provisions of subsection (B) of this section is guilty of a misdemeanor and, upon conviction, must be fined

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not more than one thousand dollars or imprisoned for not more than one year, or both. Subsection (B) is a lesser-included offense of subsection (A). Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 6. Section 63-3-520 of the 1976 Code is amended to read:

“Section 63-3-520.(A) The magistrate courts and municipal courts of this State have concurrent jurisdiction with the family courts for the trial of persons under ~~seventeen~~ eighteen years of age charged with traffic violations or violations of the provisions of Title 50 relating to fish, game, and watercraft when these courts would have jurisdiction of the offense charged if committed by an adult.

(B) The family court shall report to the Department of Motor Vehicles all adjudications of a child for moving traffic violations and other violations that affect the child's privilege to operate a motor vehicle including, but not limited to, controlled substance and alcohol violations as required by other courts of this State pursuant to Section 56-1-330 and shall report to the Department of Natural Resources adjudications of the provisions of Title 50.”

SECTION 7. Section 63-7-310 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“(C) A person required to report pursuant to subsection (A) or (B) is not required to report when employed by a lawyer who is providing representation in a criminal, delinquency, civil, or family law matter, and the basis for the suspicion arises in the course of that representation.”

SECTION 8. Chapter 19, Title 63 of the 1976 Code is amended by adding:

“ARTICLE 2

Children’s Bill of Rights

Section 63-19-100. A child in the care and custody of a state, county, municipal or regional institutional facility for the detention of children or for the treatment and rehabilitation of children within this State has the right:

- (1) to be treated with basic human dignity and respect, without intentional infliction of humiliation;
- (2) to have fair and equal access to services, placement, care, treatment, and benefits;
- (3) to a program of education that meets the requirements of law and is appropriate for the developmental maturity of the child;
- (4) to receive adequate, healthy, and appropriate food;



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(5) to receive adequate, appropriate and accessible basic necessities, including, without limitation, shelter, clean clothing, and personal hygiene products and facilities;

(6) to have access to necessary medical and behavioral health care services, including, without limitation:

(a) dental, vision, and mental health services,

(b) medical and psychological screening, assessment and testing, and

(c) referral to, and receipt of, medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified;

(7) to be free from:

(a) abuse or neglect, as defined in Section 63-7-20(6),

(b) corporal punishment, except the reasonable use of force that is necessary to preserve the order, security or safety of the child, the public, the staff of the facility or other children who are detained in the facility,

(c) discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability, or exposure to any communicable disease,

(d) the deprivation of food, sleep, exercise, education, pillows, blankets, or personal hygiene products as a form of punishment or discipline,

(e) searches for the purpose of harassment or as a form of punishment or discipline, or

(f) restrictions from a daily shower, clean clothing, drinking water, a toilet, or reading materials relating to the education as a form of punishment or discipline;

(8) to have reasonable access and accommodations to participate in religious services of his or her choice when reasonably available on the premises of the facility or to refuse to participate in religious services;

(9) to communicate with other persons, including, without limitation, the right:

(a) to have regular contact through visits, telephone calls and mail with:

(i) parents,

(ii) guardians,

(iii) siblings,

(iv) biological or adoptive children,

(v) attorneys, and

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(vi) other adults with whom the child has established a familial or mentoring relationship, including, without limitation, clergy, caseworkers, teachers, mentors and other persons, upon approval of the facility;

(b) to communicate confidentially with:

- (i) any agency which provides child welfare services to the child concerning his or her care,
- (ii) attorneys, legal services organizations, and their employees or staff,
- (iii) ombudspersons and other advocates,
- (iv) members of the clergy, and
- (v) holders of public office, and people who work at a state or federal court;

Except as otherwise provided by specific statute, a communication made pursuant to this subsection is not a privileged communication.

(c) to report any alleged violation of his or her rights pursuant to Section 63-19-130 without being threatened or punished; and

(10) to receive information concerning his or her rights set forth in this title.

Section 63-19-110. A detention facility shall:

- (1) inform the child of his or her rights as set forth in Section 63-19-100;
- (2) provide the child with a written copy of those rights;
- (3) provide an additional written copy of those rights to the child upon request;
- (4) to the extent that it is practicable, provide a written copy of those rights to the parent or guardian of the child; and
- (5) post a written copy of the rights set forth in Section 63-19-100 in a conspicuous place inside the facility.

Section 63-19-120. An institutional facility may impose reasonable restrictions on the time, place, and manner in which a child may exercise his or her rights set forth in Section 63-19-100 if such restrictions are necessary to preserve the order, security or safety of the child, the public, the staff of the facility, or other children who are held in the facility.

Section 63-19-130. If a child believes that any of his or her rights set forth in Section 63-19-100 have been violated, the child may raise and redress a grievance through, without limitation:

- (A) a member of the staff of the facility,
- (B) a probation officer or parole officer,
- (C) an agency which provides child welfare services to the child, and any employee thereof,

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- (D) a juvenile court with jurisdiction over the child,
- (E) a guardian ad litem for the child,
- (F) an attorney for the child, or
- (G) the Department of Children's Advocacy."

SECTION 9. Section 63-19-340 of the 1976 Code is amended to read:

"Section 63-19-340. An annual report of the department must be prepared by the director which shall include an account of all funds received and expended, persons served by the department including a report of the state and condition of the correctional institutions, and community programs operated by the department. The annual report must include:

- (1) the total number of
  - (a) offenses referred to the Department;
  - (b) the top ten most frequent offenses referred to the Department;
  - (c) status offenses referred to the Department;
  - (d) probation violation or contempt of court charges referred to the Department following one or more adjudications for a status offense;
  - (e) misdemeanor referrals;
  - (f) probation violation or contempt of court charges referred to the Department following an adjudication for one or more misdemeanors;
  - (g) non-violent felony referrals;
  - (h) probation violation or contempt of court charges referred to the Department following an adjudication for one or more non-violent felonies;
  - (i) violent offenses as defined in Section 16-1-60; and
  - (j) probation violation or contempt of court charges referred to the Department following an adjudication for one or more violent offenses as defined in Section 16-1-60; and
- (2) the number of cases in each category listed in subitems (1)(c) through (1)(j) associated with the following outcomes:
  - (a) cases which are dismissed or diverted;
  - (b) cases in which a child is detained pre-trial, separately counting children detained in the Department's custody and children detained in a facility operated by another state or local government entity;
  - (c) adjudications after which a child is placed on probation;
  - (d) adjudications after which a child is ordered to undergo a community evaluation;
  - (e) adjudications after which a child is committed to the Department's custody for a residential evaluation;

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(f) adjudications after which a child is committed to the Department for a determinate sentence;

(g) adjudications after which the Department places a child in an alternative placement; and

(h) adjudications after which the child is committed to the Department for an indeterminate period of time;

(3) the Department must also provide the totals of each category specified in subsections (1) and (2) broken down by the sex and race of the child; and

(4) the number of individual children placed in corrective room restriction while in the Department's custody, the number of corrective room restrictions imposed (including multiple restrictions placed on an individual child), the average and median length of time children were placed in corrective room restriction, and the number of corrective room restrictions which lasted for seventy-two consecutive hours or more."

SECTION 10. Section 63-19-350 of the 1976 Code is amended by adding an appropriately numbered new subsection to read:

"( ) developing and utilizing structured decision-making tools at all key points in the juvenile justice process, to include detention, diversion, disposition, and release from commitment."

SECTION 11. Section 63-19-360(3) of the 1976 Code is amended to read:

"(3) establishing and maintaining residential and nonresidential reception and evaluation centers at which all children committed to its custody by a circuit or family court must be received, examined, and evaluated before assignment to one of its institutions or before other disposition or recommendation is made concerning the child. The commitment of a child to a reception and evaluation center or youth ~~correctional~~ rehabilitative institution of the department may be made only after the child has been adjudicated delinquent. The evaluation conducted by the reception and evaluation centers includes, but is not limited to:

(a) a ~~complete~~ comprehensive, individualized biopsychosocial assessment to include an examination of the child's social, physical, psychological, and mental health functioning examination;

(b) an investigation and consideration of family and community environment and other facts in the background of the person concerned that might relate to the person's delinquency;

(c) a determination of the ~~correctional~~ rehabilitative or custodial care that would be most appropriate. The department shall create facilities and employ personnel ~~as will~~ that enable the centers to conduct

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the necessary ~~physical, mental, and psychological~~ examinations and assessments required by this section;”

SECTION 12. Article 3, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-365. (A) As used in this section, ‘isolation’ means the placement of a child alone in a cell, room, or other area where the child is unable to leave, excluding during sleeping hours for a child housed in his/her own room.

(B) No child shall at any time be held in isolation for purposes of discipline, punishment, retaliation, or any reason other than as a response to behavior that poses a serious and immediate danger to self or others.

(C) A child who is held in a state, county, municipal or regional institutional facility for the detention of children or for the treatment and rehabilitation of children may be subjected to isolation only if the child poses a serious and immediate danger to self or others and staff has made reasonable efforts to attempt and exhaust de-escalation strategies.

(D) A child must only be subjected to isolation for the minimum time required to address the unsafe behavior and the child must be returned to the general population or other appropriate living unit of the facility as soon as reasonably possible.

(E) Any action that results in isolation for more than two hours must be documented in writing. A child must not remain in isolation for longer than four hours, except when approved by a supervisor.

(F) The facility shall conduct a safety and well-being check on a child subjected to isolation at least once every ten minutes while the child is subjected to isolation.

(G) A child who is subjected to isolation for more than twenty-four hours must be provided:

(1) not less than one hour of out-of-room, large-muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(2) access to the same meals and medical and mental health treatment, the same or equivalent access to contact with parents or legal guardians, and the same or equivalent access to legal assistance and educational services as is provided to children in the general population of the facility; and

(3) a review of the isolation status at least once every twenty-four hours. If, upon review, the isolation is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less restrictive option is available.

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(H) Each county, municipal, regional, or state institutional facility for the detention of children or for the treatment and rehabilitation of children shall report monthly to the Department of Children’s Advocacy the number of children who were subjected to isolation during that month and the length of time that each child was in isolation. Any incident that resulted in the use of isolation for more than seventy-two consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.”

SECTION 13. Section 63-19-370 of the 1976 Code is amended to read:

“Section 63-19-370. The department may enter into agreements with the governing bodies of other state departments or institutions for the purpose of effecting a more efficient and economical management of any institution or program under its supervision. The department is authorized to make contracts and expend public funds as required to carry out the functions prescribed for it in this chapter within the limits of appropriated funds.

The department may establish agreements with the Department of Education, the Department of Mental Health, individual school districts, private providers, and other state and local departments specific to reentry services for children returning to schools and communities after being in the department’s custody, including, but not limited to, mental health counseling, mentoring programs, and educational support services. Programs, resources and services provided under such agreements shall be accessible to students if they are needed while under supervision by the Department and for a reasonable time after supervision has concluded.

All revenues generated from United States Department of Agriculture grants, the Education Finance Act, the Detention Center, and Medicaid federal funding may be retained, carried forward, and expended by the Department of Juvenile Justice, in accordance with applicable regulations, for the costs associated with related programs.”

SECTION 14. Article 3, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-500. (A) At least one pre-detention intervention program shall be established in each judicial circuit in the state to provide services to children in all counties in that circuit for the purpose of offering an alternative to referral to the juvenile justice system for children who commit first-time, non-violent as defined in Section 16-1-70, delinquent acts. Each program shall be available to serve all

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eligible children in each county in that circuit, and no child shall be required to pay program fees. These programs must divert eligible children from initial contact with the juvenile justice system using approaches that are evidence-based, culturally relevant, trauma-informed, developmentally appropriate, and that promote long-term success for children.

(B) The department shall develop a plan for the establishment, implementation, and oversight of pre-detention diversion programs around the state to which all first-time, non-violent offenders must be referred. The department shall provide competitively awarded funding to at least one such program in each judicial circuit to supplement other funding received by the program. Programs receiving funding from the department must adhere to the standards and procedures for such programs developed by the department, which must include requirements for applicants, organizational characteristics, reporting and auditing criteria, and such other standards for eligibility and accountability, and funding shall be based on the number of children served and such other requirements as may be established by the department. Pre-detention diversion programs may incorporate some or all of the following: educational services, including academic and vocational services; mentoring services; mental health services; and behavioral health services.

(C) A law enforcement officer who takes a child into custody for a non-violent offense as defined in Section 16-1-70 shall utilize a database system provided by the department to review the child's criminal history with the juvenile justice system. If the child has no prior referral to the department, the law enforcement officer must refer the child to the local pre-detention diversion program for that circuit utilizing a referral form provided by the department, and must provide a copy of the referral form to the child's parent or guardian, the department, and the entity designated to run the pre-detention diversion program.

(D) If a referral to the juvenile justice system is received for a first-time non-violent offender, the referral shall not be accepted and shall be returned to the referral source with instructions to refer the child to the entity designated to run the pre-detention diversion program in that respective circuit.

(E) All records of a child's referral to and participation in a pre-detention diversion program must be kept separate from records of children referred to the juvenile justice system. A referral to a pre-detention diversion program is not a referral to the juvenile justice

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system, and accordingly, must not be reflected on a child's criminal history.

(F) Each pre-detention diversion program shall submit data to the department on at least an annual basis which identifies for each child participating in the diversion program:

- (1) the race, ethnicity, gender, and age of that child;
- (2) the alleged offense committed, including the statute number of the offense;
- (3) the county in which the offense was committed and the law enforcement agency that had contact with the child for the offense; and
- (4) other information as specified by the department."

SECTION 15. Article 3, Chapter 19, Title 63 of the 1976 Code is amended by adding:

"Section 63-19-520. (A) There is hereby established in the department's budget the Juvenile Justice Improvement Fund. All expenditures from the Juvenile Justice Improvement Fund shall be for the development, implementation, or monitoring of community-based diversion or intervention programs, practices, and services for children and their families that reduce youth risk factors and/or rates of recidivism. The Department shall at least annually transfer into the Juvenile Justice Improvement Fund available state general recurring funds identified as savings as a result of decreased reliance on out-of-home placement of youth.

(B) The department shall create a plan to incentivize the development of a continuum of evidence-based community intervention programs and services for children under supervision of the department. These programs and services shall serve to divert children from further involvement with the juvenile justice system. Intervention programs may incorporate some or all of the following: educational services, including academic and vocational services; mentoring services; mental health services; and behavioral health services. Funding prioritization shall be given to community-based intervention programs that provide services to counties that demonstrate a high rate of out-of-home placement of children and that have few existing community-based alternatives.

(C) The department may contract with a service coordination agency or agencies to assist the department with building a continuum of community-based services for children and families across the state. Among other services, a service coordination agency may provide referral processing, billing, reporting, monitoring of the quality of direct service providers, monitoring of evidence-based programs for fidelity, completion of on-going service gaps analyses, filling of service gaps,



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assessment of existing treatment capacity, development of new treatment capacity, and selection of and subcontracting with direct service providers.”

SECTION 16. Section 63-19-820 of the 1976 Code is amended to read:

“Section 63-19-820. (A) When the officer who took the child into custody determines that placement of a juvenile child outside the home is necessary, the authorized representative of the Department of Juvenile Justice shall make a diligent effort to place the child in an approved home, program, or facility, other than a secure juvenile detention facility, when these alternatives are appropriate and available.

(B) Pre-trial detention is authorized only when that is the least restrictive appropriate option available to prevent an unreasonable flight or public safety risk, taking into account the overall rehabilitative purposes of the juvenile justice system, the likely harm to children and to public safety from unnecessary detention, and the child’s presumption of innocence. If a child is eligible for detention, authorities should consider what alternatives to detention, if any, would mitigate any unreasonable flight or public safety risk. A child is eligible for detention in a secure juvenile detention facility only if the child:

- (1) is charged with a violent crime as defined in Section 16-1-60;
- (2) is charged with a crime which, if committed by an adult, would be a felony; ~~or a misdemeanor other than a violent crime, and the child:~~
  - ~~(a) is already detained or on probation or conditional release or is awaiting adjudication in connection with another delinquency proceeding;~~
  - ~~(b) has a demonstrable recent record of wilful failures to appear at court proceedings;~~
  - ~~(c) has a demonstrable recent record of violent conduct resulting in physical injury to others; or~~
  - ~~(d) has a demonstrable recent record of adjudications for other felonies or misdemeanors; and~~
  - ~~(i) there is reason to believe the child is a flight risk or poses a threat of serious harm to others; or~~
  - ~~(ii) the instant offense involved the use of a firearm;~~
- (3) is a fugitive from another jurisdiction;
- (4) ~~requests protection in writing under circumstances that present an immediate threat of serious physical injury;~~
- (5) had in his possession a deadly weapon;
- ~~(6)(5) has a demonstrable recent record of wilful failure to comply with prior placement orders including, but not limited to, a house arrest~~

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~~order is charged with a violation of a prior court order and the violation alleges that the child was unsuccessfully discharged from a court-ordered alternative placement;~~

~~(7) has no suitable alternative placement and it is determined that detention is in the child's best interest or is necessary to protect the child or public, or both; or~~

~~(8) is charged with an assault and battery or an assault and battery of a high and aggravated nature on school grounds or at a school sponsored event against any person affiliated with the school in an official capacity.~~

~~(6) is charged with unlawful student threats pursuant to Section 16-17-425 or failure to stop for a blue light pursuant to Section 56-5-750; or~~

~~(7) is court ordered to be detained.~~

~~Only a child who meets the criteria provided in this subsection is eligible for detention. Detention is not mandatory for a child meeting the criteria if that child can be supervised adequately at home or in a less secure setting or program. The use of secure detention shall be limited to a child who poses a current risk to public safety or is a current flight risk. If the officer does not consent to the release of the child, the parents or other responsible adult may apply to the family court within the circuit for an ex parte order of release of the child. The officer's written report must be furnished to the family court judge who may establish conditions for the release.~~

~~(C) A child must not be detained in secure confinement if the child could not be committed to the custody of the Department of Juvenile Justice pursuant to Section 63-19-1450. The family court shall consider any past mental health, disability services, special education or similar records provided by any of the parties to determine if that section applies. A child considered not competent to stand trial by a competency evaluator is presumed to be ineligible for detention in secure confinement.~~

~~(D) No A child may must not be placed in secure confinement or ordered detained by the court in secure confinement in an adult jail or other place of detention for adults for more than six hours. However, the prohibition against the secure confinement of juveniles in adult jails does not apply to juveniles who have been waived to the court of general sessions for the purpose of standing trial as an adult. Juveniles A child placed in secure confinement in an adult jail during this six-hour period must be confined in an area of the jail which is separated by sight and sound from adults similarly confined.~~

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~~(D)~~(E) Temporary holdover facilities may hold juveniles children during the period between initial custody and the initial detention hearing before a family court judge for a period up to forty-eight hours, excluding weekends and state holidays.

~~(E)~~(F) A child who is taken into custody because of a violation of law which would not be a criminal offense under the laws of this State if committed by an adult or because of a violation of a court order related to a status offense must not be placed or ordered detained in an adult or a juvenile detention facility. ~~A child who is taken into custody because of a violation of the law which would not be a criminal offense under the laws of this State if committed by an adult must not be placed or ordered detained more than twenty four hours in a juvenile detention facility, unless an order previously has been issued by the court, of which the child has notice and which notifies the child that further violation of the court's order may result in the secure detention of that child in a juvenile detention facility. If a juvenile is ordered detained for violating a valid court order, the juvenile may be held in secure confinement in a juvenile detention facility for not more than seventy two hours, excluding weekends and holidays.~~ However, nothing in this section precludes a law enforcement officer from taking a status offender into custody.

~~(F)~~(G) Children ten years of age and younger must not be incarcerated in a jail or detention facility for any reason. Children eleven or twelve years of age who ~~are taken into custody for a violation of law which would be a criminal offense under the laws of this State if committed by an adult or who violates conditions of probation for such an offense~~ meet the eligibility criteria for detention outlined above ~~must~~ may be incarcerated in a ~~jail or~~ juvenile detention facility only by order of the family court.

~~(G)~~(H) For purposes of this section, 'adult jail' or other place of detention for adults includes a state, county, or municipal police station, law enforcement lockup, or holding cell. 'Secure confinement' means an area having bars or other restraints designed to hold one person or a group of persons at a law enforcement location for any period of time and for any reason. Secure confinement in an adult jail or other place of detention does not include a room or a multipurpose area within the law enforcement center which is not secured by locks or other security devices. Rooms or areas of this type include lobbies, offices, and interrogation rooms. Juveniles Children held in these areas are considered to be in nonsecure custody as long as the room or area is not designed for or intended for use as a residential area, the juvenile child is not handcuffed to a stationary object while in the room or area, and the

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juvenile child is under continuous visual supervision by facility staff while in this room or area which is located within the law enforcement center. Secure confinement also does not include a room or area used by law enforcement for processing 'booking' purposes, irrespective of whether it is determined to be secure or nonsecure, as long as the juvenile's child's confinement in the area is limited to the time necessary to fingerprint, photograph, or otherwise 'book' the juvenile child in accordance with state law."

SECTION 17. Section 63-19-830(A) of the 1976 Code is amended to read:

"(A) If the officer who took the child into custody has not released the child to the custody of the child's parents or other responsible adult, the court shall hold a detention hearing within forty-eight hours from the time the child was taken into custody, excluding Saturdays, Sundays, and holidays. At this hearing, the authorized representative of the department shall submit to the court a report stating the facts surrounding the case and a recommendation as to the child's continued detention pending the adjudicatory and dispositional hearings. The court shall appoint counsel for the child if none is retained. No child may proceed without counsel in this hearing, unless the child waives the right to counsel and then only after consulting at least once with an attorney. At the conclusion of this hearing, the court shall determine whether probable cause exists to justify the detention of the child and the appropriateness of, and need for, the child's continued detention. If continued detention of a juvenile child is considered appropriate by the court and if a juvenile detention facility exists in that county which meets state and federal requirements for the secure detention of juveniles children or if that facility exists in another county with which the committing county has a contract for the secure detention of its juveniles children and if commitment of a juvenile child by the court to that facility does not cause the facility to exceed its design and operational capacity, the family court shall order the detention of the juvenile child in that facility. The family court may also order that the child be detained or remain detained in an approved home, program, or facility, other than a secure juvenile detention facility. A juvenile child must not be detained in secure confinement or in an approved home, program, or facility, other than a secure juvenile detention facility in excess of ninety days except in exceptional circumstances as determined by the court. A detained juvenile child is entitled to further and periodic review:

(1) within ten days following the juvenile's child's initial detention hearing;

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(2) within thirty days following the ten-day hearing; and

(3) at any other time for good cause shown upon motion of the child, the State, or the department.

If the child does not qualify for detention or otherwise require continued detention under the terms of Section 63-19-820(A) or (B), the child must be released to a parent, guardian, or other responsible person.”

SECTION 18. Section 63-19-1010 of the 1976 Code is amended to read:

“Section 63-19-1010. (A) The Department of Juvenile Justice shall provide intake and probation services for ~~juveniles~~ children brought before the family courts of this State and for persons committed or referred to the department in cooperation with all local officials or agencies concerned. The role and function of intake is to independently assess the circumstances and needs of children referred for possible prosecution in the family court. Recommendations by the department as to intake must be reviewed by the office of the solicitor in the circuit concerned, and the final determination as to whether or not the juvenile child is to be prosecuted in the family court must be made by the solicitor or by the solicitor’s authorized assistant, consistent with subsection (C). Statements of the juvenile child contained in the department’s files must not be furnished to the solicitor’s office as part of the intake review procedure, and the solicitor’s office must not be privy to these statements in connection with its intake review.

(B) Where circumstances do not warrant prosecution in the discretion of the solicitor, the intake counselor shall offer referral assistance for services as appropriate for the child and family. In the event that a juvenile child is adjudicated to be delinquent or found by the family court to be in violation of the terms of probation, the intake counselor shall offer appropriate dispositional recommendations to the family court for its consideration and determination of the disposition of the case.

(C)(1) A child brought before the family court or referred to the department for a status offense or an offense which would be a crime if committed by an adult shall be referred to a diversion program and not for prosecution if the following criteria are met:

(a) the child has no prior adjudications;

(b) the child has not been referred to a diversion program within the last twelve months; and

(c) the child is not referred for a violent offense as defined in Section 16-1-60.

(2) If the solicitor or solicitor’s authorized assistant has good cause to believe that diversion is insufficient to meet the purposes of this

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chapter, the solicitor or solicitor's authorized assistant may prosecute the child in family court. The petition shall include notice of the departure from the presumption of diversion and reasons for that departure. Upon motion of the child and upon a finding that no good cause exists, the family court may refer the child for diversion."

SECTION 19. Section 63-19-1020 of the 1976 Code is amended to read:

"Section 63-19-1020. (A) The parent, guardian, or custodian of a child, an official of a child welfare board, a public official charged by law with the care of the poor, the recognized agents of an agency, association, society, or institution, a person having knowledge or information of a nature which convinces the person that a child is delinquent or that a child, by reason of his own acts in accordance with this chapter, is subject to the jurisdiction of the court, any person who has suffered injury through the delinquency of a child, or an officer having an arrested child in charge, may institute a proceeding respecting the child.

(B) Before the department may accept a referral for the status offenses of incorrigibility or runaway, or before a petition for the offenses of incorrigibility or runaway may be filed, the person or entity seeking to institute the proceeding first shall provide documentation indicating that the parent, guardian, or custodian and the child have made reasonable efforts to resolve the challenges confronting the family through participation in family counseling, pastoral counseling, parenting improvement classes, or other family therapy services. If no prior assistance has been sought, the department shall refer the parent, guardian, or custodian to service providers in the family's community or provide services itself to assist the family.

(C) The department may accept a referral for a school-related offense and a petition may be filed for a school-related offense if the child is: (1) charged with a felony offense, or (2) charged with a misdemeanor offense and the referring entity attaches documentation to the referral demonstrating that the child has three or more prior discipline referrals for related conduct within the prior six months for which the child received a school-based consequence and/or appropriate community referral for services. Discipline referrals for being tardy to class, voluntarily missing class, violating school policy regarding school identification, violating school dress code policy, refusing to obey instruction of school personnel, using profanity, using or possessing tobacco products or paraphernalia, and other minor student misconduct shall not count as prior discipline referrals for purposes of this section.

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The department shall not accept a referral for and a petition shall not be filed for a school-based misdemeanor offense unless documentation is provided by the referring entity that meets this criteria and further demonstrates that prior consequences, interventions, or community referrals instituted by the school have been attempted and proven unsuccessful. Any referral for a school-based offense must include a copy of the child's school disciplinary history for at least the current school year, including documentation of consequences instituted by the school for the alleged conduct being referred. Before filing of a petition for a school-based offense, consideration must be given to the school-based discipline or other consequences the child received for the alleged conduct subject to the petition.

(D) In addition to the requirements of subsection (C), any school or school district in such a case must provide to the solicitor information regarding:

(1) whether the child accused of an offense is a child with a disability pursuant to 20 U.S.C. section 1400 et seq., as and if amended, and Chapter 33, Title 59 of the South Carolina Code of Laws;

(2) if the child is a child with a disability, whether a manifestation review determination pursuant to 20 U.S.C. section 1415(k)(1)(E), as and if amended, occurred and, if so, whether the child's conduct was determined to be a manifestation of the child's disability;

(3) if the child's conduct was determined to be a manifestation of the child's disability, whether the school district followed the process set forth in 20 U.S.C. section 1415(k)(1)(F), as and if amended; and

(4) any efforts by the school or school district to review the appropriateness of the child's current individualized education program (IEP), behavior intervention plan, compliance with Section 504 of the Federal Rehabilitation Act of 1973, as amended, and placement, and any modifications where appropriate.”

SECTION 20. Sections 63-19-1030(C) and (D) of the 1976 Code are amended to read:

“(C) Before the hearing of a case of a child, the judge ~~shall~~ may cause an investigation of all the facts pertaining to the issue to be made. The investigation, if ordered, shall consist of an examination of the parentage and surroundings of the child, the child's age, habits and history, and also shall include inquiry into the home conditions, habits and character of the child's parents or guardian or other responsible person, if that is necessary in the discretion of the court. In these cases the court, if advisable, shall cause the child to be examined as to the child's ~~mentality~~ mental health by a competent and experienced psychologist or

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psychiatrist who shall make a report of the findings. Before the hearing in the case of a child, if the child attends school, a report on the child must be obtained from the school which the child attends. The school officials shall furnish the report upon the request of the court or its probation counselor. The court, when it is considered necessary, shall cause a complete physical examination to be made of the child by a competent physician.

(D) In a any case where the delinquency proceedings may result in commitment to an institution in which the child's freedom is curtailed upon service of a petition under this chapter, the child or the child's parents or guardian must be given written notice with particularity of the specific charge or factual allegations to be considered at the hearing. The notice must be given as soon as practicable and sufficiently in advance to permit preparation. The child or the child's parent or guardian also must be advised in the notice of their right to be represented by counsel and that, if they are unable to employ counsel, counsel will be appointed to represent them. In the hearing, the parent or guardian and child also must be expressly informed of their right to counsel and must be specifically required to consider whether they do or do not waive the right of counsel.”

SECTION 21. Article 9, Chapter 19, Title 63 is amended by adding:

“Section 63-19-1050. Notwithstanding any other provision of law, no child respondent in a case filed under this chapter may be charged a fee to participate in any diversion or intervention program nor shall any child respondent be required to pay more than five hundred dollars in restitution as a requirement of any diversion or intervention program. An otherwise eligible child must not be denied admission into a diversion or intervention program for owing a restitution amount greater than five hundred dollars.”

SECTION 22. Article 9, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-1070. (A) Except where the petition alleges that the respondent has committed a violent offense, the court may at any time prior to an adjudication of the petition under Section 63-19-1410 and with the consent of the respondent order that the proceeding be adjourned in contemplation of dismissal. An adjournment in contemplation of dismissal is an adjournment of the proceeding, for a period not to exceed six months, with a view to ultimate dismissal of the petition in furtherance of justice. The court may provide such terms and conditions for such an order as the court finds appropriate, consistent with subsection (D).



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(B) An order adjourning a petition in contemplation of dismissal may be issued upon motion of any party, or on the court's own motion. Upon issuing such an order, the court must set forth its reasons on the record.

(C) Upon motion of any party, or upon the court's own motion, the court may restore the matter to the calendar at any time during the pendency of the order. If the proceeding is not restored, the petition is, at the expiration of the order, deemed to have been dismissed by the court in furtherance of justice.

(D) Permissible terms and conditions of an adjournment in contemplation of dismissal order may include supervision by the Department of Juvenile Justice; a requirement that the respondent cooperate with a mental health, social services or other appropriate community facility or agency to which the respondent may be referred based on evidence available to the court or the Department of Juvenile Justice; payment of restitution orders determined by agreement of the parties or consistent with the procedures of Section 63-19-1410(A)(3) not to exceed five hundred dollars, or other conditions agreed to by the parties; and a requirement that the respondent comply with other reasonable conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct that gave rise to the filing of the petition or to prevent commitment to the Department of Juvenile Justice.”

SECTION 23. Section 63-19-1210 of the 1976 Code is amended to read:

“Section 63-19-1210. In accordance with the jurisdiction granted to the family court pursuant to Sections 63-3-510, 63-3-520, and 63-3-530, jurisdiction over a case involving a child must be transferred or retained as follows:

(1) If, during the pendency of a criminal or quasi-criminal charge against a child in a circuit court of this State, it is ascertained that the child was under the age of eighteen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all the papers, documents, and testimony connected with it, to the family court of competent jurisdiction, except in those cases where the Constitution gives to the circuit court exclusive jurisdiction or in those cases where jurisdiction has properly been transferred to the circuit court by the family court under the provisions of this section. The court making the transfer shall order the child to be taken immediately to the place of detention designated by the court or to that court itself, or shall release the child to the custody of some suitable person to be brought before the court at a time designated. The court then

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shall proceed as provided in this chapter. The provisions of this section are applicable to all existing offenses and to offenses created in the future unless the General Assembly specifically directs otherwise.

(2) Whenever a child is brought before a magistrate or city recorder and, in the opinion of the magistrate or city recorder, the child should be brought to the family court of competent jurisdiction under the provisions of this section, the magistrate or city recorder shall transfer the case to the family court and direct that the child involved be taken there.

(3) When an action is brought in a circuit court which, in the opinion of the judge, falls within the jurisdiction of the family court, he may transfer the action upon his own motion or the motion of any party.

(4) If a child seventeen years of age or older at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, would be a misdemeanor, a Class E or F felony as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of ten years or less, and if the court, after full investigation, considers it contrary to the best interest of the child or of the public to retain jurisdiction, the court, in its discretion, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult.

(5) If a child ~~fourteen, fifteen, or who was~~ sixteen years of age at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, would be a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more, the court, after full investigation and hearing, may determine it contrary to the best interest of the child or of the public to retain jurisdiction. The court, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(6) Within thirty days after the filing of a petition in the family court alleging ~~the~~ a child fifteen or sixteen years of age has committed the offense of murder or criminal sexual conduct, the person executing the petition may request in writing that the case be transferred to the court of general sessions with a view to proceeding against the child as a criminal rather than as a child coming within the purview of this chapter. The judge of the family court is authorized to determine this request. If the request is denied, the petitioner may appeal within five days to the circuit court. Upon the hearing of the appeal, the judge of the circuit court

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is vested with the discretion of exercising and asserting the jurisdiction of the court of general sessions or of relinquishing jurisdiction to the family court. If the circuit judge elects to exercise the jurisdiction of the general sessions court for trial of the case, he shall issue an order to that effect, and then the family court has no further jurisdiction in the matter. Notwithstanding any other provision of law, for any child who has been charged with murder who was seventeen years of age or younger at the time of the alleged commission of the offense whose case is within or has been transferred to the jurisdiction of the general sessions court, the court may upon conviction sentence the child to a term of imprisonment less than the mandatory minimum sentence established under Section 16-3-20(A).

(7) Once the family court relinquishes its jurisdiction over the child and the child is bound over to be treated as an adult, Section 63-19-2020 dealing with the confidentiality of identity and fingerprints does not apply.

(8) When jurisdiction is relinquished by the family court in favor of another court, the court shall have full authority and power to grant bail, hold a preliminary hearing and any other powers as now provided by law for magistrates in such cases.

(9) If a child ~~fourteen~~ sixteen years of age or older is charged with a violation of Section 16-23-430, Section 16-23-20, or Section 44-53-445, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult.

(10) If a child ~~fourteen~~ sixteen years of age or older at the time of the alleged commission of the offense is charged with an offense which, if committed by an adult, provides for a term of imprisonment of ten years or more and the child previously has been adjudicated delinquent in family court or convicted in circuit court for two prior offenses which, if committed by an adult, provide for a term of imprisonment of ten years or more, the court, after full investigation and hearing, if it considers it contrary to the best interest of the child or the public to retain jurisdiction, acting as committing magistrate, may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult. For the purpose of this item, an adjudication or conviction is considered a second adjudication or conviction only if the date of the commission of the second offense

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occurred subsequent to the imposition of the sentence for the first offense.

(11) The determination of the family court regarding whether the child is to be transferred or bound over to the court of general sessions is a final order, appealable to the Supreme Court. Both the petitioner and the child have a right of appeal. An appeal must be taken under the appellate rules governing criminal appeals. The appeal pursuant to this subsection must be heard and a determination must be made within one hundred twenty days from the filing of the appeal, absent exceptional circumstances justifying a longer time period. The South Carolina Supreme Court may create rules governing the procedures for the appeal within its rulemaking authority pursuant to Article V of the Constitution of South Carolina.”

SECTION 24. Section 63-19-1410 of the 1976 Code, as last amended by Act No. 268 of 2016, is amended to read:

“Section 63-19-1410. (A) When a child is found by decree of the court to be subject to this chapter, the court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child. Following the decree, the court shall enter the least restrictive appropriate disposition order from the following options in view of the seriousness of the delinquent act, such child’s culpability as indicated by the circumstances of the particular case, the age of such child, such child’s prior record, and such child’s strengths and needs and by order may:

(1) cause a child concerning whom a petition has been filed to be examined or treated by a physician, psychiatrist, or psychologist and for that purpose place the child in a hospital or other suitable facility;

(2) order care and treatment as it considers best, except as otherwise provided in this section and may designate a state agency as the lead agency to provide a family assessment to the court. The assessment shall include, but is not limited to, the strengths and weaknesses of the family, problems interfering with the functioning of the family and with the best interests of the child, and recommendations for a comprehensive service plan to strengthen the family and assist in resolving these issues.

The lead agency shall provide the family assessment to the court in a timely manner, and the court shall conduct a hearing to review the proposed plan and adopt a plan as part of its order that will best meet the needs and best interest of the child. In arriving at a comprehensive plan, the court shall consider:

- (a) additional testing or evaluation that may be needed;

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(b) economic services including, but not limited to, employment services, job training, food stamps, and aid to families with dependent children;

(c) counseling services including, but not limited to, marital counseling, parenting skills, and alcohol and drug abuse counseling; and

(d) any other programs or services appropriate to the child's and family's needs.

The lead agency is responsible for monitoring compliance with the court-ordered plan and shall report to the court as the court requires. In support of an order, the court may require the parents or other persons having custody of the child or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the child within the purview of this chapter to do or omit to do acts required or forbidden by law, when the judge considers the requirement necessary for the welfare of the child. In case of failure to comply with the requirement, the court may proceed against those persons for contempt of court;

(3) place the child on probation or under supervision in the child's own home or in the custody of a suitable person elsewhere, upon conditions as the court may determine.

(a) A child placed on probation by the court remains under the authority of the court only until the expiration of the specified term of the child's probation. This specified term of probation ~~may~~ shall not exceed two years for a felony offense or one year for a misdemeanor or status offense, but in no case may probation expire before but not extend after the ~~twentieth~~ nineteenth birthday of the child. A child adjudicated delinquent for a probation violation or held in contempt for violation of a prior court order may be placed on probation for up to an additional six months. When a child is adjudicated for multiple offenses, the maximum term of probation shall be calculated based on the most severe adjudicated offense; however, in no case may probation extend after the child's nineteenth birthday.

(b) Probation means casework services during a continuance of the case. Probation must not be ordered or administered as punishment but as a measure for the protection, guidance, and well-being of the child and the child's family. Probation methods must be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community.

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(c) As a condition of probation, the court may order the child to participate in a community mentor program as provided for in Section 63-19-1430.

(d) The court may impose monetary restitution or participation in supervised work or community service, or both, as a condition of probation. Restitution presumptively shall not be ordered for any child who is under the age of sixteen at the time of the offense. To overcome this presumption, the state has a burden of proving by a preponderance of the evidence that the child has the ability to pay the restitution. The Department of Juvenile Justice, in coordination with local community agencies, shall develop and encourage employment of a constructive nature designed to make reparation and to promote the rehabilitation of the child. When considering the appropriate amount of monetary restitution to be ordered, the court shall establish the monetary loss suffered by the victim and then weigh and consider this amount against the number of individuals involved in causing the monetary loss, the child's particular role in causing this loss, and the child's ability to pay the amount over a reasonable period of time. The order for monetary restitution shall specify a monthly payment schedule that will result in full payment for the established amount of restitution by the end of the child's probationary period. In the absence of a monthly payment schedule, the Department of Juvenile Justice shall impose a payment schedule of equal monthly payments that will result in full restitution being paid by the end of the child's probationary period. If the court determines at a contempt of court hearing that the basis for holding the child in contempt is that the child has willfully failed to pay restitution, the court shall make specific findings on the record of the child's willful failure to pay and shall issue an order, other than a commitment order, that addresses the child's failure to pay. The Department of Juvenile Justice shall develop a system for the transferring of court-ordered restitution from the child to the victim or owner of property injured, destroyed, or stolen. ~~As a condition of probation the court may impose upon the child a fine not exceeding two hundred dollars when the offense is one in which a magistrate, municipal, or circuit court judge has the authority to impose a fine. A fine may be imposed when commitment is suspended but not in addition to commitment;~~

(e) If a child is ordered to complete drug screens as a condition of probation or during the community evaluation period and if the child's health insurance does not cover the costs of the drug screens, the Department of Juvenile Justice shall pay for the drug screens or

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administer them at their local offices at no charge for the child. A child must not be required to pay for drug screens as part of any court order.

(4) order the child to participate in a community mentor program as provided in Section 63-19-1430;

(5) commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes or under the guardianship of a suitable person. Commitment must be for an indeterminate period but in no event beyond the child's twenty-second birthday. Such commitment only may be ordered subject to the commitment limitations established by Section 63-19-1440;

(6) require that a child under twelve years of age who is adjudicated delinquent for an offense listed in Section 23-3-430(C) be given appropriate psychiatric or psychological treatment to address the circumstances of the offense for which the child was adjudicated; ~~and~~

(7) place a child on administrative supervision with the Department of Juvenile Justice for a period of up to one year in order to pay restitution calculated pursuant to subitem (A)(3)(d), or complete community service or other sanction. Administrative supervision is not probation, and administrative supervision terminates automatically upon completion of the ordered sanction or sanctions; and

(8) dismiss the petition or otherwise terminate ~~it's~~ the court's jurisdiction at any time on the motion of either party or on its own motion.

(B) Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court information concerning the child ~~which~~ that the court may require. Counsel of record, if any, must be notified by the court of an adjudication under this section, and in the event there is no counsel of record, the child or the child's parents or guardian must be notified of the adjudication by regular mail from the court to the last address of the child or the child's parents or guardian.

(C) No adjudication by the court of the status of a child is a conviction, nor does the adjudication operate to impose civil disabilities ordinarily resulting from conviction, nor may a child be charged with crime or convicted in a court, except as provided in Section 63-19-1210(6). The disposition made of a child or any evidence given in court does not disqualify the child in a future civil service application or appointment.”

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SECTION 25. Article 13, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-1415. (A) Each Circuit Solicitor may operate one or more specialty treatment court programs, such as a Juvenile Drug Court or a Juvenile Mental Health Court, if authorized by the South Carolina Supreme Court.

(B) Such specialty treatment court programs are to be operated in accordance with national guidelines and evidence based research.

(C) When a child is charged with an offense which places him under the jurisdiction of the family court and the child has substance abuse or mental health issues, the child may be referred to a specialty treatment court program. Upon successful completion of the specialty treatment court program, the proceedings in the family court must be dismissed and the record of the child’s offenses for which the child participated in the program must be automatically expunged at no charge to the child.

(D) The participation in the specialty treatment court program shall be voluntary and a child must not be ordered to participate in such program against his will.”

SECTION 26. Section 63-19-1440 of the 1976 Code as last amended by Act No. 268 of 2016 is amended to read:

“Section 63-19-1440.(A) A child, after the child’s twelfth birthday and before the child’s eighteenth birthday or while under the jurisdiction of the family court for disposition of ~~an~~ a criminal offense that occurred prior to the child’s eighteenth birthday, or for conduct that is a violation of probation or an act of contempt of court where the prior order of probation or court order arose from an adjudication for a criminal offense, may be committed to the custody of the Department of Juvenile Justice which shall arrange for placement in a suitable corrective environment. Children under the age of twelve years may be committed ~~only~~ to the custody of the department which shall arrange for placement in a suitable corrective environment other than institutional confinement. ~~No~~ A child under the age of eighteen years may not be committed or sentenced to any other penal or correctional institution of this State.

(B) A child may be committed to the custody of the Department of Juvenile Justice as provided below if:

(1) the child has a current adjudication for an offense which would be an A, B, C, or D felony if committed by an adult;

(2) the child has a current adjudication for an offense which would be a misdemeanor if committed by an adult and one or more of the following apply:



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(a) the current adjudicated offense involved the use of a firearm, as defined in section 16-23-490(D); or

(b) the child has had at least one prior adjudication for an offense that would be a felony if committed by an adult and at least three other prior adjudications for a delinquent act; or

(3)(a) the child is petitioned for an offense which would be a felony if committed by an adult;

(b) the child is adjudicated for an offense which is a lesser included offense to the petitioned felony offense; and

(c) the parties agree that a commitment is in the child's best interest.

In any case in which the court commits the child to the custody of the department, the court shall issue individualized written findings as to why a less restrictive disposition option would not adequately protect the public or rehabilitate the child. For the purposes of this section, an adjudication is considered a prior adjudication only if the date of the commission of the subsequent offense or delinquent act occurred after the imposition of the sentence for the prior offense or delinquent act.

(C) A child must not be committed to the Department of Juvenile Justice for a status offense or any violation of a court order related to a status offense. A child who is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense may not be committed to the Department of Juvenile Justice.

(D) All commitments to the custody of the Department of Juvenile Justice for delinquency as opposed to the conviction of a specific crime may be made only for the reasons and in the manner prescribed in Sections 63-3-510, 63-3-520, 63-3-580, 63-3-600, 63-3-650, and this chapter, with evaluations made and proceedings conducted only by the judges authorized to order commitments in this section. When a child is committed to the custody of the department, ~~commitment must be for the~~ court must order:

(1) an indeterminate sentence, not extending beyond the twenty-second birthday of the child unless sooner released by the department, or

(2) ~~for~~ a determinate commitment sentence not to exceed ninety days; or

(3) if the child is adjudicated delinquent for an offense which provides for a maximum term of imprisonment of fifteen years or more if committed by an adult, the court may order the child committed for a determinate sentence not to exceed one hundred eighty days.

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If a child is subject to a disposition order for more than one adjudicated offense, the child may not be committed for consecutive determinate commitment sentences when the total length of the determinate commitment would be for longer than the minimum parole guideline as established by the release authority, pursuant to Article 17 of this Title, if the child were to be committed to the Department of Juvenile Justice for an indeterminate period of time.

A child adjudicated delinquent for a violation of a probation order or held in contempt of court for a violation of a court order related to a misdemeanor or felony offense must not receive an indeterminate commitment sentence but may receive a determinate commitment sentence not to exceed seventy-two hours for a first commitment and a sentence not to exceed ninety days for a second commitment.

~~(C)(E)(1) The court, before committing a child as a delinquent or as a part of a sentence including commitments for contempt, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than forty-five thirty days for evaluation, subject to the exceptions listed below. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition. The department is authorized to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community.~~

(2) The court shall only order an evaluation if the child is eligible for commitment pursuant to Section 63-19-1440(B). There is a presumption for a community evaluation. The court may order a residential evaluation for the child in the custody of the Department only if the Court finds that the child presents an unreasonable flight or public safety risk to his home community. The court shall issue individualized written findings why a community evaluation with additional supervision measures arranged by the Department of Juvenile Justice would not adequately protect the public or reasonably ensure the child's

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presence at a dispositional hearing. The court also may commit a child to the Department of Juvenile Justice for a residential evaluation if the court finds at a contempt hearing that the child willfully failed to cooperate with or successfully complete a community evaluation ordered pursuant to this section.

(3) The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:

(1) (a) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;

(2) (b) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child's previous evaluation or other equivalent information is available to the court; or

(3) (c) receives a determinate commitment sentence not to exceed ninety days.

~~(D)~~(F) When a juvenile child is adjudicated delinquent or convicted of a crime or has entered a plea of guilty or nolo contendere in a court authorized to commit to the custody of the Department of Juvenile Justice, the juvenile child may be committed for an indeterminate period until the juvenile child has reached age twenty-two or until sooner released by the releasing entity or released by order of a judge of the Supreme Court or the circuit court of this State, rendered at chambers or otherwise, in a proceeding in the nature of an application for a writ of habeas corpus. A juvenile child who has not been paroled or otherwise released from the custody of the department by the juvenile's child's nineteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. If not sooner released by the releasing entity, the juvenile child must be released by age twenty-two according to the provisions of the juvenile's child's commitment; however, notwithstanding the above provision, any juvenile child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

~~(E)~~(G) A juvenile child committed to the Department of Juvenile Justice following an adjudication for a violent offense contained in Section 16-1-60 ~~or for the offense of assault and battery of a high and aggravated nature~~, who has not been paroled or released from the custody of the department by his eighteenth birthday must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections. A juvenile child who has not been paroled or released from the custody of the department by his nineteenth birthday

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must be transferred to the custody and authority of the Youthful Offender Division of the Department of Corrections at age nineteen. If not released sooner by the Board of Juvenile Parole, a juvenile child transferred pursuant to this subsection must be released by his twenty-second birthday according to the provisions of his commitment. Notwithstanding the above provision, a juvenile child committed as an adult offender by order of the court of general sessions must be considered for parole or other release according to the laws pertaining to release of adult offenders.

~~(F) Notwithstanding subsections (A) and (E), a child may be committed to the custody of the Department of Juvenile Justice or to a secure evaluation center operated by the department for a determinate period not to exceed ninety days when:~~

~~(1) the child has been adjudicated delinquent by a family court judge for a status offense, as defined in Section 63-19-20, excluding truancy, and the order acknowledges that the child has been afforded all due process rights guaranteed to a child offender;~~

~~(2) the child is in contempt of court for violation of a court order to attend school or an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20; or~~

~~(3) the child is determined by the court to have violated the conditions of probation set forth by the court in an order issued as a result of the child's adjudication of delinquency for a status offense, as defined in Section 63-19-20 including truancy.~~

~~Orders issued pursuant to this subsection must acknowledge:~~

~~(a) that the child has been advised of all due process rights afforded to a child offender; and~~

~~(b) that the court has received information from the appropriate state or local agency or public entity that has reviewed the facts and circumstances causing the child to be before the court.~~

~~(G)(H) A child committed under this section may not be confined with a child who has been determined by the department to be violent.~~

~~(H)(I) After having served at least two-thirds of the time ordered by a court, a child committed to the Department of Juvenile Justice for a determinate period pursuant to this section may be released by the department prior to the expiration of the determinate period for 'good behavior' as determined by the department. The court, in its discretion, may state in the order that the child is not to be released prior to the expiration of the determinate period ordered by the court.~~

~~(I)(J) Juveniles A child detained in any temporary holding facility or juvenile detention center or who are is temporarily committed for~~

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evaluation to a Department of Juvenile Justice evaluation center for the offense for which ~~they were~~ he is subsequently committed by the family court to the custody of the Department of Juvenile Justice shall receive credit toward ~~their~~ his parole guidelines, if indeterminately sentenced, or credit toward ~~their~~ his date of release, if determinately sentenced, for each day ~~they are~~ he is detained in or temporarily committed to any secure pre-dispositional facility, center, or program. A child detained in an approved home, program, or facility other than a secure juvenile detention facility or a child placed in an out-of-home alternative placement residential setting while undergoing a community evaluation shall also receive time-served credit as described above.”

SECTION 27. Section 63-19-1450(A) of the 1976 Code is amended to read:

“(A)(1) No ~~juvenile child~~ may be committed to an institution under the control of the Department of Juvenile Justice who is seriously handicapped by mental illness or ~~retardation~~ intellectual disability.

(a) The Family Court may order an evaluation by the Department of Mental Health or the Department of Disabilities and Special Needs for a determination of serious mental illness or intellectual disability sua sponte or upon a motion of any party involved with the case or upon a recommendation from the Department of Juvenile Justice pursuant to Section 44-24-150(A) and (B) or Section 44-20-450. Nothing within this section prohibits the Department of Mental Health or the Department of Disabilities and Special Needs from using local providers for an evaluation.

(b) Upon the return of the evaluation the court must hold a hearing to determine whether to proceed pursuant to Section 44-24-150(C), Section 44-20-450 or under Title 63 to determine if the child meets the definition of seriously handicapped by mental illness or intellectual disability and whether the child must be committed to the supervision of the Department of Mental Health or the Department of Disabilities and Special Needs. In making the determination the court shall consider, in addition to any evaluation ordered by the court or requested by the parties, the child’s past mental health, disability services, special education or similar records provided by any of the parties to determine if this section applies.

(2) If, after a ~~juvenile child~~ is referred to the ~~Reception and Evaluation Center~~ custody of the Department of Juvenile Justice, it is determined that the ~~juvenile child~~ is mentally ill, as defined in Section 44-23-10, or a person with intellectual disability to an extent that the ~~juvenile child~~ could not be properly cared for in its custody, the

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department through the voluntary admission process or by instituting necessary legal action may accomplish the transfer of the juvenile child to another state agency which in its judgment is best qualified to care for the juvenile child in accordance with the laws of this State. This legal action pursuant to Section 63-3-510(A)(2) must be brought in the juvenile's child's resident county. The department shall establish standards with regard to the physical and mental health of juveniles children whom it can accept for commitment.”

SECTION 28. Article 13, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-1480. (A) Any case remaining open for twelve months after the date of the disposition shall be reviewed by the court at least annually and closed, unless the court finds by a preponderance of the evidence that the continued provision of services and court involvement are necessary and shall be fruitful to rehabilitate the child or protect the public interest. Upon making a finding that the purposes of this chapter have been met with regard to the child named in the petition, or for such other reason the court may consider appropriate and consistent with the purposes of this chapter, the court may order a case closed. If after the hearing, the court does not close the case, the court may amend earlier dispositional orders when supported by developments since the issuance of such orders. An amended dispositional order shall not result in an increased period of probation or commitment beyond the terms of the original dispositional order. All such findings shall be in writing and shall include the individualized basis upon which those findings were made.

(B) Upon request by the child, the solicitor, or the Department of Juvenile Justice, the court shall also review any case in which the child remains at the Department of Juvenile Justice more than six months after an order of commitment without having been released on parole or having been returned to the Department's custody following revocation of parole, and may amend earlier dispositional orders at such hearings. Successive requests for review shall be granted upon request by the child, the solicitor, or the Department of Juvenile Justice, but the court may deny such requests without a hearing if a review was held less than ninety days prior to receipt of a request for review. Any such request for review by the court shall be decided within forty-five days of the filing of that request. In each instance that the court reviews a case in which the child remains at the Department or remains under the supervision of the Department at the time of review, the child shall be entitled to the assistance of counsel.”

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SECTION 29. Section 63-19-1810(A) of the 1976 Code is amended to read:

“(A)The release and revocation of release of juveniles children adjudicated delinquent and committed to the department must be determined by:

(1) the department for juveniles children adjudicated delinquent and committed ~~after March 31, 2007~~, for an indeterminate period for a ~~status offense or a misdemeanor, other than assault and battery of a high and aggravated nature or assault with intent to kill~~, and for juveniles children who have violated probation for ~~a status offense or a misdemeanor, other than assault and battery of a high and aggravated nature or assault with intent to kill~~;

(2) the Board of Juvenile Parole for juveniles children adjudicated delinquent and committed for an offense other than an offense provided for in item (1).”

SECTION 30. Section 63-19-1820 of the 1976 Code is amended to read:

“Section 63-19-1820. (A)(1) The Board of Juvenile Parole shall meet monthly and at other times as may be necessary to review the records and progress of juveniles children committed to the custody of the Department of Juvenile Justice for the purpose of deciding the release or revocation of release of these juveniles children. The board shall make periodic inspections, at least quarterly, of the records of these juveniles children and may issue temporary and final discharges or release these juveniles children conditionally and prescribe conditions for release into aftercare. Before a juvenile child is conditionally released, the juvenile child must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile's child's person, any vehicle the juvenile child owns or is driving, and any of the juvenile's child's possessions by:

(a) the juvenile's child's aftercare counselor;

(b) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(c) any other law enforcement officer.

A juvenile child may not be conditionally released by the parole board if he fails to comply with this provision. However, a juvenile child who was adjudicated delinquent of a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the juvenile's child's

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person, any vehicle the juvenile child owns or is driving, or any of the juvenile's child's possessions.

Immediately before each search or seizure conducted pursuant to this item, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole or probation or that the individual is currently subject to the provisions of his conditional release. A law enforcement officer conducting a search or seizure without a warrant pursuant to this item shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this item, he is subject to discipline pursuant to the employing agency's policies and procedures.

(2)(a) It is the right of a juvenile child who has not committed a violent offense, as defined by Section 16-1-60, and for whom the board is the releasing entity, to appear personally before the board every three months for the purpose of parole consideration, but no appearance may begin until the board determines that an appropriate period of time has elapsed since the juvenile's child's commitment.

(b) The board may waive the quarterly review of juveniles children committed to the department, for whom the board is the releasing entity, for the commission of a violent crime, as defined in Section 16-1-60, until the juvenile child reaches the minimum parole guidelines the board establishes for the juvenile child. At that point, the board may schedule its first review of the juvenile child from three months up to twelve months after the juvenile child reaches the minimum parole guidelines established by the board. The scheduling of subsequent reviews is in the discretion of the board but must occur within three to twelve months of the juvenile's child's last appearance.

(3) In order to allow reviews and appearances by juveniles children, for whom the board is the releasing entity, the board may assign the members or individuals to meet in panels of not less than three members or individuals, to receive progress reports and



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recommendations, review cases, meet with juveniles children, meet with counselors, and to hear matters and consider cases for release, parole, and parole revocation. Membership on these panels must be periodically rotated on a random basis. At the meetings of the panels, a unanimous vote must be considered the final decision. A panel vote that is not unanimous must not be considered as a final decision, and the matter must be referred to the full parole board, which shall determine the matter by a majority vote of its membership.

(4) The board may conduct parole hearings by means of a two-way, closed circuit television system.

(5) The board shall develop written guidelines for the consideration of parole release of juveniles children committed to the department for offenses for which the parole board is the releasing entity. The guidelines shall be based on evidence-based, nationally recognized length-of-stay best practices.

The board shall provide these guidelines to juveniles children, for whom the board is the releasing entity, upon commitment and periodically reviewed with each juvenile child to assess the progress made toward achieving release on parole.

(B) In the cases of juveniles children for whom the department is the releasing entity, the department shall establish policies and procedures governing the review and release procedures for these juveniles children.

(C) In the determination of the type of discharges or conditional releases granted, the releasing entity shall consider the interests of the person involved and the interests of society and shall employ the services of and consult with the personnel of the Department of Juvenile Justice. The releasing entity may from time to time modify the conditions of discharges or conditional releases previously granted.”

SECTION 31. Section 63-19-1835 of the 1976 Code is amended to read:

“Section 63-19-1835. (A) The department may grant up to a ten-day reduction of the probationary or parole term to probationers and parolees who are under the department’s supervision for each month they are compliant with the terms and conditions of their probation or parole order.

(B) Except for an alleged community safety violation, in response to an alleged technical violation of the terms and conditions of a child’s probationary or parole term the department must serve on the child a notice of administrative sanctions as an alternative to pursuing a probation violation or parole revocation. Prior to implementation of administrative sanctions, the child and the child’s parent or guardian or

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responsible person must agree in writing to the additional conditions set forth in the notice of administrative sanctions. Once the notice of administrative sanctions is signed, these additional conditions are considered to be incorporated as part of the original probation or parole order, and the department shall file a copy of the notice of administrative sanctions with the court or parole authority. The department shall establish a listing of administrative sanctions for the most common types of supervision violations. The sanctions shall consider the severity of the current violation, the child's previous juvenile record, and the child's risk and needs. The department, in determining the administrative sanctions, shall consider the availability of community-based programs and treatment options. Nothing in this section precludes the department from responding immediately to an alleged community safety violation by initiating violation proceedings with the appropriate authority."

SECTION 32. Sections 63-19-2050(A) and (C) of the 1976 Code as last amended by Act No. 254 of 2018, are further amended to read:

“(A)(1) A person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a ~~status offense or a~~ nonviolent crime, as defined in Section 16-1-70, may petition the court for an order expunging all official records relating to:

- (a) being taken into custody;
- (b) the charges filed against the person;
- (c) the adjudication; and
- (d) the disposition.

(2) A person may not petition the court if the person has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult.”

“(C)(1) ~~If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense, the court shall grant the expungement order. If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed multiple status offenses, the court may grant an expungement order for the multiple status offenses.~~ All official records relating to the taking into custody, the charges filed, the adjudication, and the disposition for committing a status offense, as defined in Section 63-19-20, must be expunged subject to eligibility when the person has reached the age of eighteen. The expungements must occur if the person has no family court delinquency cases pending or family court delinquency sentences to be completed, or as soon thereafter once the person has completed the sentence for any pending cases, the service of any pending dispositional sentences imposed by the family court

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including probation or parole, or upon the final conclusion of any pending case in the family court if there is a dismissal, a finding of no delinquency, or no sentence is imposed. The expungements must occur after appropriate eligibility verifications upon the earliest of the following:

- (a) after notice or written request by the eligible child;
- (b) after a regular quarterly system-wide check of children in the system eligible to receive an expungement; or
- (c) if technology allows within a jurisdiction, the review for eligibility must occur automatically upon each eligible child's eighteenth birthday.

(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received youthful offender sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(3) The court shall not grant the expungement order unless the court finds that the person is at least eighteen years of age, has successfully completed any dispositional sentence imposed, has not been subsequently adjudicated for or convicted of any criminal offense, and does not have any criminal charges pending in family court or general sessions court. If the person was found not guilty in an adjudicatory hearing in the family court or the charge was dismissed, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement. An adjudication for a violent crime, as defined in Section 16-1-60, must not be expunged.”

SECTION 33. Section 63-19-2050 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) Notwithstanding any other provision of law, an individual who is qualified to petition for record destruction under this section may not be charged a fee to petition for or obtain an order for record destruction, or for any part of the process for adjudicating such a petition.”

SECTION 34. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1970. (A) For purposes of this section, ‘a student who has experienced a disruption in the student's education’ means a student

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who experiences one or more changes in public school or school district enrollment during a single school year as the result of:

(1) homelessness as defined in the federal McKinney Vento Homeless Assistance Act and as determined by the public school or school district;

(2) adjudication as:

(a) a victim of child abuse or neglect, pursuant to Chapter 7, Title 63; or

(b) having committed a status offense or an act which, if committed by an adult, would be a crime, pursuant to Chapter 19 of Title 63; or

(3) placement in a mental health treatment facility or habilitation program for developmental disabilities.

(B) If a student who has experienced a disruption in the student's education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two business days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two business days of having received the receiving public school's or school district's communication.

(C) A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

(1) priority placement in classes that meet state graduation requirements;

(2) timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records;

(3) equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

(4) timely assistance and advice from counselors to improve the student's college or career readiness; and

(5) all special education services to which the student is entitled."

SECTION 35. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

"Section 59-18-1980. (A) As used in this section, 'involved in the juvenile justice system' means a student who has been referred to the Department of Juvenile Justice or the family court due to allegations that

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the student has committed a delinquent or status offense and voluntary or involuntary conditions have been imposed on the student, including a student who is participating in a diversion program, is under a probation order, is currently supervised by the Department of Juvenile Justice, or has recently entered or left a juvenile or criminal justice placement or is on supervised release or parole.

(B) Each school district and charter school authorized by the Charter School Board or a local school board shall designate an individual to serve as a point of contact for students involved in the juvenile justice system. Charter schools authorized by school districts may use the district's point of contact. Multiple school districts may share a single designated point of contact with approval from the Department of Education and from the Department of Juvenile Justice.

(C) For students transferring into the school district or charter school, the point of contact person shall be responsible for:

(1) ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;

(2) ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student's enrollment;

(3) ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and

(4) collaborating with the education program staff in a juvenile or criminal justice placement, the child, and the child's parent, guardian, or other legal educational decision maker to develop and implement a plan for assisting the transition of a student to the school district or charter school authorized by the department to minimize disruption to the student's education.

(D) For students transferring out of the school district or charter school authorized by the department, the point of contact person shall be responsible for providing all records to the new school within two business days of receiving a request from the receiving school.

(E) For students involved in the juvenile justice system, the point of contact person shall be responsible for:

(1) ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

(2) ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student's college and career readiness;

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(3) ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;

(4) identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;

(5) supporting communication among the school; the Department of Social Services; the student; the student's parent or guardian; the student's educational decision maker appointed by the children's court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and

(6) ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

(F) The Department of Social Services shall notify a school when a student in the school enters foster care or a student in foster care enrolls in another school.

(G) The student or the student's educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and services from the point of contact.”

SECTION 36. Section 59-24-60 of the 1976 Code is amended to read:

“Section 59-24-60. In addition to other provisions required by law or by regulation of the State Board of Education, school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which ~~may result or if~~ committed by an adult would be a felony or a crime punishable by a maximum sentence of five years or more of incarceration or which results in injury or serious threat of injury to the person or to another person or his property as defined in local board policy.”

SECTION 37. Section 59-63-210 of the 1976 Code is amended to read:

“Section 59-63-210. (A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any ~~crime~~ act which if committed by an adult would be a felony or a crime punishable by a maximum term of imprisonment of five years or more, any violation related to a threat of violence to the school or any person at the school, any act for which there a victim who attends the school who has a reasonable fear for his safety, gross

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immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. If the action by the district board of trustees is based on conduct by the student that occurred outside of school or school-sanctioned or sponsored activity, such action is permitted only when the conduct at issue amounts to a violent offense as defined in Section 16-1-60 or resulted in moderate or great bodily injury. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B).”

SECTION 38. Section 59-63-1320 of the 1976 Code is amended to read:

“Section 59-63-1320. Eligible alternative school programs shall be provided for, but not limited to, students in grades 6-12 as follows:

(1) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the attention and assistance beyond that of a traditional program as established by the academic history of the student, ~~including the student's academic plan as required in Section 59-18-500,~~ and following other policies and procedures for documenting need established by the district board of trustees.

(2) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the program due to habitual exhibitions of disruptive behavior in violation of the student conduct policies and behavior codes approved by the school board of trustees.

Districts must establish clear guidelines and procedures for the referral of any student into an alternative school program and before a decision is made to assign a student to an alternative school program, a determination must be made that the written and distributed academic and disciplinary policies of the district have been followed.

(3) Students placed in an alternative school program by the district board of trustees as an option to suspension or expulsion or by the

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dispositive order of a family court judge, with the consent of the local board of trustees. However, before a student may be placed in an alternative school program, a determination must be made by the local board that the written and distributed disciplinary policy of the district has been followed. Districts must establish clear guidelines and procedures for the placement of any student into an alternative school program and at a minimum they shall prescribe due process procedures for placement actions.

(4) When a child who has been enrolled in a Department of Juvenile Justice school district leaves the Department's school district and enrolls or re-enrolls in a school district, the district must not require that student to attend alternative school programs unless:

(a) a student is referred for voluntary attendance at the alternative school program and an intervention team, including parent or guardian and child, agrees such placement is appropriate;

(b) an intervention assessment reveals an imminent threat of injury or a likelihood of serious misconduct that exceeds routine discipline matters will occur if the child remains or reenrolls at his assigned school; or

(c) if the child or the child's parent or guardian objects to the placement in an alternative school, a due process hearing must be held by the district within ten business days and there must be a determination by the hearing officer that the student would be better served in the alternative setting based on clear guidelines and procedures for placement established by the school district.

(5) When students are being considered for placement in an alternative school program, districts must consider the requirements of the Federal Individuals with Disabilities Education Act (IDEA). If a child with a disability for purposes of the IDEA who has been in the custody of the Department of Juvenile Justice leaves the Department's custody and enrolls or re-enrolls in a school district, the district must hold a team meeting to determine on an individualized basis the child's most appropriate educational placement.

(6) If a student placed by the board of trustees in an alternative school program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, information concerning the student's placement in an alternative school program. Upon review of the information, the district in which the student enrolls may continue an alternative education program placement or may allow



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the student to attend regular classes without completing the period of the placement.”

SECTION 39. Sections 63-19-2420 and 63-19-2430 are repealed.

SECTION 40. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections to the subject of juvenile justice reform as recommended by the Senate Select Committee on Raise the Age. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 41. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 42. This act takes effect upon approval by the Governor./  
Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question then being second reading of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**Motion Adopted**

Senator HEMBREE asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

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There was no objection.

**OBJECTION**

S. 79 -- Senator Malloy: A BILL TO AMEND SECTION 44-23-430 OF THE 1976 CODE, RELATING TO HEARINGS CONCERNING A PERSON'S FITNESS TO STAND TRIAL, TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TREATMENT TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

Senator JACKSON objected to further consideration of the Bill.

**READ THE SECOND TIME**

S. 1077 -- Senators Alexander, Rankin, Massey, K. Johnson, Sabb, Garrett, Gambrell, McElveen, Kimbrell, Stephens, McLeod, M. Johnson, Kimpson, Hutto, Grooms, Climer, Davis, Gustafson, Williams, Loftis, Fanning and Adams: A BILL TO AMEND CHAPTER 27, TITLE 58 OF THE 1976 CODE BY ADDING ARTICLE 8, TO ALLOW THE PUBLIC SERVICE COMMISSION TO AUTHORIZE THE ISSUANCE OF BONDS FOR THE PURPOSES OF OFFSETTING AND REDUCING PRUDENTLY INCURRED COSTS FOR STORM RECOVERY ACTIVITY AND TO ESTABLISH THE REQUIREMENTS AND PROCESSES FOR THE AUTHORIZATION OF THESE BONDS; AND TO AMEND SECTION 36-9-109 TO MAKE FURTHER CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question then being second reading of the Bill, as amended.

The Bill was read the second time, passed and ordered to a third reading.

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**Motion Adopted**

Senator RANKIN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3105 -- Reprs. Yow, Burns, Chumley, Magnuson, McCravy, Wooten, Fry, B. Cox, May, Haddon, Long, Gilliam, Forrest, Nutt, Trantham, Oremus, McGarry, Bennett, Jones, Thayer, Hiott, Willis, Huggins, Hixon, McCabe, Dabney, B. Newton, Bryant, Elliott, M.M. Smith, Pope, D.C. Moss, Ballentine, Lucas, Crawford, Erickson, Bradley, T. Moore, Wheeler, Herbkersman, W. Newton, Martin, Taylor and Davis: A BILL TO AMEND CHAPTER 32, TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "SOUTH CAROLINA RELIGIOUS FREEDOM ACT", SO AS TO PROVIDE THAT RELIGIOUS SERVICES ARE DEEMED AN ESSENTIAL SERVICE DURING A STATE OF EMERGENCY AND MUST BE ALLOWED TO CONTINUE OPERATING THROUGHOUT THE STATE OF EMERGENCY.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3105.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Title 1 of the 1976 Code is amended by adding:  
"CHAPTER 33

Protection of the Exercise of Religion During a State of Emergency  
Section 1-33-10. For purposes of this chapter:

(1) 'Discriminatory action' means any action undertaken by the State to:

(a) alter in any way the tax treatment of a religious organization, or cause any tax, fine, civil or criminal penalty, payment, damages award, or injunction to be assessed against a religious organization;

(b) deny, delay, revoke, or otherwise make unavailable an exemption from taxation for a religious organization; or

(c) withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any grant,

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contract, scholarship, license, accreditation, certification, entitlement, or other benefit under any government program.

(2) 'Exercise of religion' means the exercise of religion as protected under the First Amendment to the United States Constitution, Article I, Section 2 of the State Constitution, and Title 1, Chapter 32, of the South Carolina Code of Laws.

(3) 'Religious organization' includes, but is not limited to, houses of worship, religious ministries, organizations, social agencies, groups, corporations, educational institutions and other entities whose principal purpose is the study, practice, or advancement of religion and their officers, owners, clergy, religious leaders, and ministers.

(4) 'Religious services' means a meeting, gathering, or assembly of two or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that are deemed necessary by the religious organization for the exercise of religion.

(5) 'State' means the State of South Carolina and any political subdivision of the State and includes a branch, department, agency, board, commission, instrumentality, entity, or officer, employee, official of the State or a political subdivision of the State, or any other person acting under color of law or suing under or attempting to enforce a state law, rule, or regulation.

(6) 'State of emergency' means any declaration or proclamation issued under the authority of State law that an emergency has occurred, including, but not limited to:

(a) a proclamation of emergency issued by the Governor pursuant to Section 1-3-420;

(b) a declaration of emergency issued by the Governor pursuant to Section 25-1-440;

(c) a declaration of emergency issued by a county governing body pursuant to Section 4-9-130; and

(d) a declaration of emergency issued by a municipal governing body pursuant to Section 5-7-250.

Section 1-33-20. (A) During a state of emergency, religious services are deemed an essential service and are considered necessary and vital to the health and welfare of the public.

(B) The State may not limit the ability of a religious organization to continue operating and to engage in religious services during a state of emergency to a greater extent than it limits operations or services of other organizations or businesses that provide essential services.

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(C) The State may require a religious organization to comply with neutral health, safety, or occupancy requirements during a state of emergency that:

(1) are applicable to all organizations or businesses providing essential services; and

(2) do not impose a substantial burden on religious services, unless the State demonstrates that the burden is necessary to further a compelling state interest and is the least restrictive means of furthering that interest.

(D) The state may not take any discriminatory action against a religious organization on the basis that the organization is religious, operates or seeks to operate during a state of emergency, and engages in the exercise of religion.

Section 1-33-30. A religious organization may assert a violation of this title as a claim or defense in a judicial proceeding. If the religious organization prevails in such a proceeding, the court must award attorney's fees and costs and may award other appropriate relief, including, but not limited to, injunctive relief, declaratory relief, and compensatory damages for pecuniary and nonpecuniary losses.

Section 1-33-40. (A) This chapter applies to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of this act.

(B) Nothing in this chapter may be construed to authorize the State to burden any religious belief."

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 2**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	McElvee	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Setzler	Shealy	Turner
Verdin	Williams	Young

**Total--39**

**NAYS**

Matthews	Stephens
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**Total--2**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE SECOND TIME**

H. 3524 -- Reps. Hixon and Forrest: A BILL TO AMEND ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2022.

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The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3524.003), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language, and inserting:

/ SECTION 1. SECTION 2 of Act 205 of 2016, as last amended by Act 156 of 2018, is further amended to read:

“SECTION 2. Unless the General Assembly amends Section 58-7-10 in any manner before the passing of three years after the effective date of this act or if the language of subsection (B) is reenacted or otherwise extended by the General Assembly, the provisions of subsection (B), as added by this act, are repealed ~~November 30, 2020~~ June 30, 2024.”

SECTION 2. This act takes effect upon approval by the Governor. / Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator YOUNG proposed the following amendment (JUD3524.004), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language, and inserting:

/ SECTION 1. Section 58-7-10, as last amended by Act 205 of 2016, is amended to read:

“Section 58-7-10(A) Subject to the same duties and liabilities, all the rights, powers, and privileges conferred upon telegraph and telephone companies under Article 17, Chapter 9 of this title are hereby granted to pipeline companies incorporated under the laws of this State or to such companies incorporated under the laws of any other state when such companies have complied with the laws of this State regulating the doing of business herein by foreign corporations.

(B) The provisions of Section 58-9-2030 and of Chapter 2, Title 28 do not apply to private, for-profit pipeline companies, including publicly traded for-profit companies, that are not defined within this title as a public utility.”

SECTION 2. This act takes effect upon approval by the Governor and Section 58-7-10(B), as added by this act, is repealed June 30, 2024 unless the General Assembly amends the language of Section 58-7-10(B)

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or it is reenacted or otherwise extended by the General Assembly before June 30, 2024. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.



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COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER

H. 3773 -- Reps. West, G.M. Smith, Weeks, White, Hill, Jefferson and Anderson: A BILL TO AMEND SECTION 44-23-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO BOTH MENTALLY ILL PERSONS AND PERSONS WITH INTELLECTUAL DISABILITY, SO AS TO ADD A DEFINITION FOR "RESTORATION TREATMENT"; AND TO AMEND SECTION 44-23-430, RELATING TO HEARINGS ON A PERSON'S FITNESS TO STAND TRIAL, SO AS TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3773.003), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 1 through line 4, as contained in SECTION 2, and inserting therein the following:

/ provide the restoration treatment in a hospital or detention facility. Restoration treatment shall only occur in a detention facility with the consent and approval of the sheriff or local government, whichever has lawful custody of the detention facility. If the person is on bond, the Department of Mental Health has the discretion to provide the restoration treatment in a hospital or on an outpatient basis. If the person is found to be unfit at the conclusion /

Amend the bill further, as and if amended, page 3, by striking line 15 through line 32, as contained in SECTION 2, and inserting therein the following:

/ (C) Persons against whom criminal charges are pending but who are not involuntarily committed following judicial admission proceedings shall be released unless: (1) the person is charged with a violent crime or (2) the person is charged with a non-violent crime and the solicitor files a motion to require bond for release. If the pending charge is a violent crime, a hearing must be held by the court in which the charges are pending, prior to release, on the issue of whether the person shall be released on bond with terms and conditions appropriate

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for the safety of the community and the well-being of the person. If the pending charge is a non-violent crime, and the solicitor files a motion to require bond for release, a hearing may be held by the court in which the charges are pending to determine whether the person poses such a risk of danger to the community that he must not be released without bond. In addition to any terms or conditions of bond allowed under Section 17-15-10, the court must include terms or conditions of bond that are therapeutic in nature. Therapeutic terms and conditions may include, but not be limited to, a requirement that the person cooperate in any treatment indicated for their psychiatric or intellectual impairments, including the keeping of scheduled appointments, the taking of all prescribed medications, the abstaining from alcohol or illegal drug use, and a requirement that the person comply with random or scheduled drug screens to insure sobriety and medication compliance. For purposes of this subsection, 'violent crime' means any offense included in Section 16-1-60." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator RANKIN, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 2:40 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**S. 203 -- REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

S. 203 -- Senators Hembree, Gustafson and Bennett: A BILL TO AMEND SECTION 59-19-60 OF THE 1976 CODE, RELATING TO

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THE REMOVAL OF SCHOOL DISTRICT TRUSTEES AND FILLING VACANCIES, TO PROVIDE THAT DISTRICT TRUSTEES GUILTY OF MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY SHALL BE SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR, TO DELETE NOTICE REQUIREMENTS AND THE RIGHT TO APPEAL, AND TO MAKE CONFORMING CHANGES.

On motion of Senator BENNETT, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator BENNETT spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

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**Total--0**

The Committee of Conference Committee was adopted as follows:

**S. 203 -- Conference Report**

The General Assembly, Columbia, S.C., April 5, 2022

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 203 -- Senators Hembree, Gustafson and Bennett: A BILL TO AMEND SECTION 59-19-60 OF THE 1976 CODE, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES AND FILLING VACANCIES, TO PROVIDE THAT DISTRICT TRUSTEES GUILTY OF MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY SHALL BE SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR, TO DELETE NOTICE REQUIREMENTS AND THE RIGHT TO APPEAL, AND TO MAKE CONFORMING CHANGES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 59-16-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560. who wilfully commit or engage in an act of malfeasance, misfeasance, chronic unexcused absenteeism, conflicts of interest, misconduct in office, or persistent neglect of duty in office, or are deemed medically incompetent or medically incapacitated, are subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership

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of any board of trustees for any cause shall be filled for the unexpired term by the county board of education in the same manner as provided for full-term appointments.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Amend title to conform.

/s/Sen. Sean M. Bennett	/s/Rep. R. Raye Felder
/s/Sen. Greg Hembree	/s/Rep. Terry Alexander
/s/Sen. Margie Bright-Matthews	/s/Rep. Thomas C. "Case" Brittain, Jr.
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3126 -- Reps. Jones, Burns, Chumley, Magnuson, Taylor, Haddon, Long, Forrest, McCabe, Oremus, Hill, M.M. Smith, Huggins, Wooten, Ballentine, Bustos, B. Cox, Elliott, Trantham, Willis, Nutt, Morgan, McCravy, Thayer, V.S. Moss, Stringer, T. Moore, Allison, Hixon, Bennett, Fry, Kimmons, Davis and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF TO ACCEPT ANY FEDERAL FUNDS TO ENFORCE AN UNLAWFUL FEDERAL MASK MANDATE OR UNLAWFUL FEDERAL VACCINE MANDATE.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The Committee on FINANCE proposed the following amendment (3126R006.KMM.HSP), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. The General Assembly declares the practice of discrimination against an individual because the individual has chosen not to receive a COVID-19 vaccination or booster is a matter of state concern and is in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the

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individual to receive employment and to develop according to the individual's own ability.

SECTION 2. The General Assembly believes that a federal vaccine mandate is unconstitutional and shall not be enforced by this State unless, after legal challenge, courts of this State or of the United States of America hold the federal vaccine mandate to be enforceable.

SECTION 3.(A) Except as provided in subsection (B), the State or any political subdivision thereof, including a school district, may not enact a COVID-19 vaccine mandate for:

(1) any employee, independent contractor, or nonemployee vendor as a condition of employment or conducting business with the State or a political subdivision; or

(2) any student as a condition of attendance.

(B) If the state or any political subdivision thereof, including a school district, is subject to a federal requirement that would lead to the forfeiture of federal funds due to a failure to require employees, independent contractors, or nonemployee vendors to receive a COVID-19 vaccination:

(1) the employer may require an unvaccinated employee, independent contractor, or nonemployee vendor to undergo weekly COVID-19 testing if the federal requirement allows for testing as an alternative to vaccination; or

(2) the employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 14 if the federal mandate gives the employer no alternative to terminating the employee without forfeiting federal funds.

(C) The Department of Health and Environmental Control and the Medical University of South Carolina shall partner with state and local government employers to provide COVID-19 testing as provided in subsection (B)(1).

SECTION 4. Chapter 15, Title 8 of the 1976 Code is amended by adding:

“Section 8-15-80. (A) Neither the State, nor any of its political subdivisions, may terminate, suspend, or otherwise reduce the compensation of a person employed as a first responder if the first responder does not undergo a COVID-19 vaccination.

(B) For purposes of this section, ‘first responder’ means a law enforcement officer, firefighter, emergency medical technician, or paramedic who is paid from public funds.”

SECTION 5. (A) If a private employer terminates, suspends, or otherwise reduces the compensation of an employee because the

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employee does not receive a COVID-19 vaccination or booster, that employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 14.

(B)(1) An employer who terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive the COVID-19 vaccination or booster must pay a surcharge equal to ten times the amount of unemployment taxes the employer would pay if the employer were assigned to rate class 20. This surcharge must be deposited into the unemployment insurance trust fund, must be in effect for a period of four years, and is in addition to the unemployment taxes the employer is required to pay as determined by the Department of Employment and Workforce in the employer's most recent tax rate notice.

(2) The Department must enforce the payment of the surcharge imposed in subsection (1) in the same manner it enforces the payment of unemployment taxes.

(C) For purposes of this SECTION, "private employer" means all employers other than the state and its political subdivisions, including school districts.

(D)(1) Employee eligibility for unemployment benefits pursuant to this SECTION is retroactive to nine months prior to the effective date of this act. From the Contingency Reserve Fund, there is appropriated up to ten million dollars to the Department of Employment and Workforce to cover all expenses associated with providing retroactive unemployment benefits to individuals eligible for unemployment benefits pursuant to this subsection. Employees receiving retroactive benefits pursuant to this subsection do not factor into determining an employer's unemployment tax rate.

(2) The disqualification from receipt of unemployment benefits does not apply to a claimant who left employment because the claimant's employer required its employees to receive a COVID-19 vaccine and the claimant failed or refused a COVID-19 vaccine. Eligibility for unemployment benefits pursuant to this SECTION is retroactive to nine months prior to the effective date of this act.

(E) The provisions contained in subsection (B) do not apply to an employer if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that the employer has a contract with the federal government that contains a valid, enforceable vaccine mandate and further attesting that a failure to adhere to the provisions contained in the vaccine mandate would place jobs at risk.

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The provisions contained in subsection (B) do not apply to an employer seeking to enter into a federal contract that includes a valid, enforceable vaccine mandate if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that if the employer is awarded the contract, then employer must enforce the valid, enforceable vaccine mandate in the contract in order to preserve existing jobs or to create new jobs. An affidavit filed with the Department of Employment and Workforce pursuant to this subsection remains in effect until revoked by the employer.

(F)(1) Nothing in this section shall be construed to alter or amend the ability of an employer to terminate an employee for reasons other than the employee's COVID-19 vaccination status.

(2) This section does not create or imply a private cause of action for employees who are terminated after refusing to receive a vaccination mandated by their employer.

SECTION 6. Nothing contained in this act shall prevent an employer from encouraging, promoting, or administering vaccinations, and nothing in this joint resolution shall prevent an employer from offering incentives to employees who elect to be vaccinated.

SECTION 7. (A) A private employer's vaccine mandate may not:

(1) extend to independent contractors, nonemployee vendors, or other third-party that provides goods or services to the employer; and

(2) be used to coerce independent contractors, nonemployee vendors, or other third-party that provides goods or services to the employer into implementing a vaccine mandate to maintain the business relationship.

(B) A private employer that violates a provision of this section must pay a surcharge equal to ten times the amount of unemployment taxes the employer would pay if the employer were assigned to rate class 20.

SECTION 8. Notwithstanding any other provision of law, a religious exemption or medical exemption must be honored in regards to any COVID-19 vaccine or booster requirement. A medical exemption may include the presence of antibodies, a prior positive COVID-19 test, or pregnancy. To claim a religious exemption, a person must provide his employer with a short, plain statement attesting to the fact that a tenet of his deeply held religious convictions would be violated by receiving the COVID-19 vaccine and booster.

SECTION 9. (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without



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discrimination or segregation on the basis of the person's vaccination status.

(B) No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of subsection (B); or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of subsection (B); or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of subsection (B).

(C) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this Section if discrimination or segregation by it is supported by state action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;

(3) any hospital, clinic, or other medical facility which provides overnight accommodations;

(4) any retail or wholesale establishment;

(5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and

(6) any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

(D) The provisions of this chapter do not apply to a private club or other establishment not in fact open to the general public. An institution, a club, an organization, or a place of accommodation, as defined in subsection (D), which offers memberships for less than thirty days is not private within the meaning of this section.

(E) Complaints concerning violations of the provisions of this Section must be processed and heard pursuant to Article 3, Chapter 9,

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Title 43. Penalties and remedies for violations of this Section are governed by the provisions contained in Article 5, Chapter 9, Title 43.

(F) For the purposes of this SECTION:

(1) "Supported by state action" means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45-9-20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate

(2) "Vaccination status" means whether a person has been vaccinated against COVID-19, or has received a COVID-19 vaccination booster.

SECTION 10. The provisions contained in Act 99 of 2021, the South Carolina COVID-19 Liability Immunity Act, are hereby reenacted, retroactive to the date that Act 99 of 2021 expired, by this joint resolution. Act 99 of 2021's provisions apply to all civil and administrative causes action that arise between March 13, 2020 and December 31, 2023 and are based upon facts that occurred during this time period.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This act takes effect upon approval by the Governor. All provisions of this act are repealed on December 31, 2023 unless reauthorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

On motion of Senator MASSEY, the amendment was carried over.

**Amendment No. 2A**

Senator MASSEY proposed the following amendment (3126R014.SP.ASM), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 7 and 8 and inserting:

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/ SECTION 7. (A) A private employer's vaccine mandate may not:

(1) extend to independent contractors, nonemployee vendors, or other third-parties that provide goods or services to the employer; and

(2) be used to coerce independent contractors, nonemployee vendors, or other third-parties that provide goods or services to the employer into implementing a vaccine mandate to maintain the business relationship.

(B) For purposes of this section, "private employer" means all employers other than the state and its political subdivisions, including school districts.

(C)(1) The provisions of this SECTION do not apply to an employer if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that the employer has a contract with the federal government, a subcontract with a federal contractor, or is subject to a federal regulation that contains a valid, enforceable provision that is contrary to the requirements of this SECTION.

(2) The provisions of this SECTION do not apply to an employer seeking to enter into a federal contract, or a subcontract with a prospective federal contractor, that includes a valid, enforceable provision that is contrary to the requirements of this SECTION if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that if the employer is awarded the contract or subcontract, then the employer must enforce a provision that is contrary to the requirements of this SECTION.

(3) An affidavit filed with the Department of Employment and Workforce pursuant to this subsection remains in effect until revoked by the employer.

SECTION 8. (A) Notwithstanding any other provision of law, a religious exemption or medical exemption must be honored regarding any COVID-19 vaccine or booster requirement. A medical exemption may include the presence of antibodies, a prior positive COVID-19 test, or pregnancy. To claim a religious exemption, a person must provide his employer with a short, plain statement attesting to the fact that a tenet of his deeply held religious convictions would be violated by receiving the COVID-19 vaccine and booster.

(B)(1) The provisions of this SECTION do not apply to an employer if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that the employer has a contract with the federal government, a subcontract with a federal contractor, or is

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subject to a federal regulation that contains a valid, enforceable provision that is contrary to the requirements of this SECTION.

(2) The provisions of this SECTION do not apply to an employer seeking to enter into a federal contract, or a subcontract with a prospective federal contractor, that includes a valid, enforceable provision or would be subject to a federal regulation that is contrary to the requirements of this SECTION if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that if the employer is awarded the contract or subcontract, then the employer must enforce a provision that is contrary to the requirements of this SECTION.

(3) An affidavit filed with the Department of Employment and Workforce pursuant to this subsection remains in effect until revoked by the employer. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 3A**

Senators MARTIN and CORBIN proposed the following amendment (3126R016.KMM.SRM), which was tabled:

Amend the bill, as and if amended, by striking SECTION 5 and inserting:

/ SECTION 5. (A)(1) If a private employer terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive a COVID-19 vaccination or booster, that employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 41, except as otherwise provided in this Section. An employee who is eligible for unemployment benefits pursuant to this subsection is exempt from the one-week waiting period contained in Section 41-35-110(4).

(2) An employee eligible for unemployment benefits pursuant to this subsection (A) is exempt from the eligibility conditions contained in:

(a) Section 41-35-110(3)(b), relating to self-employment;

(b) Section 41-35-110(3)(c), relating to temporary work assignments; and

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(c) Section 41-35-110(6), relating to reemployment services.

(B) For purposes of this section, "private employer" means all employers other than the state and its political subdivisions, including school districts.

(C) Employee eligibility for unemployment benefits pursuant to this section is retroactive to nine months prior to the effective date of this act.

(D)(1) Notwithstanding the provisions of Section 41-35-50, employee eligible for unemployment benefits pursuant to this subsection (A), the maximum potential benefits of any insured worker in a benefit year are the lesser of:

(a) forty times his weekly benefit amount;

(b) one-half of his wages for insured work paid during his base period.

(2) If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed 'insured work' as defined in Section 41-27-300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.

(E) Employees eligible for and receiving benefits pursuant to this section are exempt from the provisions contained in Section 41-35-60, relating to weekly benefits for partial unemployment. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

Senator K. JOHNSON spoke on the amendment.

Senator SABB spoke on the amendment.

Senator TURNER moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senators MARTIN and VERDIN desired to be recorded as voting against the motion to table the amendment.

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**Amendment No. 4B**

Senator TURNER proposed the following amendment (3126R015.SP.RT), which was adopted:

Amend the bill, as and if amended, SECTION 5, on page 3, by striking lines 4 - 6.

Re-number sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

Senator MASSEY spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

Having failed to receive the necessary votes, the motion to table failed.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 14; Abstain 1**

**AYES**

Allen	Bennett	Climer
Cromer	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
McElveen	McLeod	Rankin
Scott	Senn	Setzler
Shealy	Stephens	Turner
Williams	Young	

**Total--26**

**NAYS**

Adams	Alexander	Campsen
Cash	Corbin	Davis
Garrett	Gustafson	Martin
Massey	Matthews	Peeler
Rice	Verdin	

**Total--14**

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**ABSTAIN**

Sabb

**Total--1**

The amendment was adopted.

**Amendment No. 5**

Senator KIMBRELL proposed the following amendment (3126R013.SP.JK), which was tabled:

Amend the bill, as and if amended, SECTION 5, on page 3, after line 6, by adding an appropriately lettered new subsection to read:

/ ( ) A private employer who terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive a COVID-19 vaccination or booster, but the private employer took such action as the consequence of a federal requirement, shall not be penalized for the action by having his average rate of total unemployment affected. /

Re-number sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

Senator MARTIN moved to lay the amendment on the table.

The amendment was laid on the table.

On motion of Senator MASSEY, with unanimous consent, the committee amendment was withdrawn.

**Amendment No. 7**

Senator CASH proposed the following amendment (3126R019.SP.RJC), which was tabled:

Amend the bill, as and if amended, SECTION 5, by adding an appropriately lettered new subsection to read:

/( ) Employee eligibility for unemployment benefits pursuant to this SECTION is retroactive to January 1, 2022. /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

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Senator TURNER moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 16; Abstain 1**

**AYES**

Allen	Bennett	Corbin
Cromer	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Malloy	Matthews	McElveen
McLeod	Rankin	Scott
Senn	Setzler	Shealy
Stephens	Turner	Williams

**Total--24**

**NAYS**

Adams	Alexander	Campsen
Cash	Climer	Davis
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rice	Verdin
Young		

**Total--16**

**ABSTAIN**

Sabb

**Total--1**

The amendment was laid on the table.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 29; Nays 12; Abstain 1**

**AYES**

Adams	Alexander	Bennett
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Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Senn	Shealy	Turner
Verdin	Young	

**Total--29**

**NAYS**

Allen	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Scott
Setzler	Stephens	Williams

**Total--12**

**ABSTAIN**

Sabb

**Total--1**

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**ADJOURNMENT**

At 4:29 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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