**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1157**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Harpootlian and Goldfinch

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Introduced in the Senate on March 13, 2024

Currently residing in the Senate

Summary: DUI Plea Bargain

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/13/2024 Senate Introduced and read first time ([Senate Journal‑page 3](h:\sj\20240313.docx))

3/13/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 3](h:\sj\20240313.docx))

3/14/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1157&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/13/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1157_20240313.docx)

[03/14/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1157_20240314.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑5‑2930, RELATING TO OPERATING A MOTOR VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS SO AS TO PREVENT THE PRACTICE OF PLEADING VIOLATIONS OF SECTION 56‑5‑2930 TO A LOWER PENALTY UNDER THE GUISE OF PLEADING TO A LESSER INCLUDED OFFENSE; AND BY AMENDING SECTION 56‑5‑2933, RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION SO AS TO PREVENT THE PRACTICE OF PLEADING VIOLATIONS OF SECTION 56‑5‑2933 TO A LOWER PENALTY UNDER THE GUISE OF PLEADING TO A LESSER INCLUDED OFFENSE.

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

SECTION 1. Section 56‑5‑2930 of the S.C. Code is amended by adding:

(M) A violation of subsection (A) is a single, stand‑alone offense. Subsections (A)(1), (2), (3), and (4) do not constitute different degrees of the offense of driving a motor vehicle within this State while under the influence of alcohol in violation of subsection (A) nor do they constitute lesser included offenses of a violation of subsection (A). Consequently, there can be no plea agreement. A person charged with a violation of subsection (A) must be punished based upon the number of times that he has been previously convicted, plead guilty or nolo contendere, or forfeited bail to a violation of subsection (A) during the prescribed time period and subject to the person’s alcohol concentration.

SECTION 2. Section 56‑5‑2933 of the S.C. Code is amended by adding:

(M) A violation of subsection (A) is a single, stand‑alone offense. Subsections (A)(1), (2), (3), and (4) do not constitute different degrees of the offense of driving a motor vehicle within this State while the driver’s alcohol concentration is eight one‑hundredths of one percent or more in violation of subsection (A) nor do they constitute lesser included offenses of a violation of subsection (A). Consequently, there can be no plea agreement. A person charged with a violation of subsection (A) must be punished based upon the number of times that he has been previously convicted, plead guilty or nolo contendere, or forfeited bail to a violation of subsection (A) during the prescribed time period and subject to the person’s alcohol concentration.

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

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