**South Carolina General Assembly**

125th Session, 2023-2024

**S. 840**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

Companion/Similar bill(s): 4670

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Introduced in the Senate on January 9, 2024

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

Summary: Fitness to Stand Trial

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2023 Senate Prefiled

11/30/2023 Senate Referred to Committee on **Judiciary**

1/9/2024 Senate Introduced and read first time ([Senate Journal‑page 52](h:\sj\20240109.docx))

1/9/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 52](h:\sj\20240109.docx))

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/840_20231130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑23‑430, RELATING TO hearings on a person’s FITNESS TO STAND TRIAL, SO AS TO REQUIRE THE CIRCUIT COURT TO ORDER INPATIENT treatment OF PERSONS DETERMINED UNFIT TO STAND TRIAL in certain circumstances.

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

SECTION 1. Section 44‑23‑430(A)(2) and (3) of the S.C. Code is amended to read:

(2) the person is unfit to stand trial for the reasons set forth in Section 44‑23‑410 and is unlikely to become fit to stand trial in the foreseeable future, the solicitor responsible for the criminal prosecution shall initiate judicial admission proceedings pursuant to Sections 44‑17‑510 through 44‑17‑610 or Section 44‑20‑450 within fourteen days, excluding Saturdays, Sundays, and holidays, during which time the court may order the person hospitalized, the court shall order inpatient treatment at a mental health facility, public or private, designated by the Department of Mental Health and that the person be admitted to the jurisdiction of the Department of Mental Health, and the court may order the person to continue in detention if detained, or, if on bond, may permit the person to remain on bond until such time as the person is admitted for inpatient treatment; or

(3) the person is unfit to stand trial but likely to become fit in the foreseeable future, the court shall order him to undergo restoration treatment by the Department of Mental Health for up to one hundred eighty days from the commencement of restoration treatment. If the person is in detention, the Department of Mental Health has the discretion to 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 of the period of restoration treatment, the solicitor responsible for the criminal prosecution shall initiate judicial admission proceedings pursuant to Sections 44‑17‑510 through 44‑17‑610 or Section 44‑20‑450 within fourteen days, excluding Saturdays, Sundays, and holidays the court shall order inpatient treatment at a mental health facility, public or private, designated by the Department of Mental Health and that the person be admitted to the jurisdiction of the Department of Mental Health.

SECTION 2. This act takes effect upon approval by the Governor.

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