~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 46:10: “Be still and know I am God. I am exalted among the nations.”

Let us pray. Praise and thanksgiving we give to You, O Lord for providing us the tools to do the work for the people. Forgive us when we fail to fight for things that matter. Fill us with charity towards others and give us a love of truth. Remember our defenders of freedom and first responders. Bless our World, Nation, President, State, Governor, Speaker, Staff, and all who labor in this vineyard. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Bless these Representatives as they return to their home and families. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Wednesday, June 7, the SPEAKER ordered it confirmed.

**HOUSE RESOLUTION**

The following was introduced:

H. 4527 -- Reps. Mitchell, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CLEMSON UNIVERSITY FRESHMAN BASEBALL STAR CAMERON GLOVER "CAM" CANNARELLA FOR HIS FLOURISHING CAREER IN BASEBALL AND TO CONGRATULATE HIM FOR HIS PERFORMANCE IN THE THREE-GAME SERIES OVER THE UNIVERSITY OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4528 -- Reps. G. M. Smith, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. EUGENIO R. DUARTE, GENERAL SUPERINTENDENT FOR THE GLOBAL CHURCH OF THE NAZARENE, UPON THE OCCASION OF HIS RETIREMENT AFTER YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4530 -- Reps. Anderson, Alexander, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE NATIONAL FIRE BAPTIZED HOLINESS CHURCH OF GOD OF THE AMERICAS FOR HELPING THEIR MEMBERS AND COMMUNITIES TO OBTAIN AND SEEK THE HIGHEST CHRISTIAN EXPERIENCE, TO CELEBRATE THEIR ONE HUNDRED TWENTY-FIFTH ANNIVERSARY, AND TO DECLARE AUGUST 4, 2023, FIRE BAPTIZED HOLINESS DAY IN SOUTH CAROLINA IN RECOGNITION OF THEIR MEANINGFUL ACCOMPLISHMENTS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4531 -- Reps. Anderson, B. Newton, Neese, Alexander, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR REVEREND SAMUEL L. MCPHERSON, PRESIDING ELDER OF THE LANCASTER DISTRICT OF THE 7TH EPISCOPAL DISTRICT OF THE AME CHURCH'S COLUMBIA CONFERENCE, AS HE RETIRES AFTER YEARS OF DEVOTED SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4532 -- Reps. Clyburn, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE MRS. ORINE FRAZIER THOMPSON ON THE OCCASION OF HER NINETIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 825 -- Senator Jackson: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE DAVID A. ADAMS FOR HIS YEARS OF OUTSTANDING AND DEDICATED SERVICE TO RICHLAND COUNTY AS COUNTY TREASURER, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 830 -- Senator Fanning: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF AGNES LOUISE AYCOCK LOVE OF YORK COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4529 -- Reps. S. Jones, Kilmartin, White, Cromer, May, Beach, Pace, Thayer, Nutt, Atkinson, Hartnett, Landing, Leber, McCabe, Bustos and Hayes: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA SAVE OUR VENUES ACT", BY ADDING SECTION 61-2-670 SO AS TO PROVIDE FOR CERTAIN CIVIL RIGHTS OF ACTION FOR INJURIES RESULTING FROM ALCOHOLIC CONSUMPTION.

Referred to Committee on Judiciary

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Calhoon |
| Carter | Caskey | Chapman |
| Cobb-Hunter | Collins | Connell |
| B. L. Cox | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Sandifer | Schuessler | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total Present--111**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WEST a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BUSTOS a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TEDDER a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CRAWFORD a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ROSE a leave of absence for the day due to a prior family commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BURNS a leave of absence for the day due to a prior family commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SESSIONS a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. T. MOORE a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CHUMLEY a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. B. J. COX a leave of absence for the day.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

**“**5.2Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3616 |
| Date: | ADD: |
| 06/14/23 | GATCH, HIOTT, WILLIS, LOWE, VAUGHAN and WHITE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4365 |
| Date: | ADD: |
| 06/14/23 | GUFFEY |

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. TAYLOR the invitation was accepted.

**S. 330--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 330:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

and asks for a Committee of Conference and has appointed Senators Rankin, Talley and Sabb to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. W. NEWTON, BAILEY and BERNSTEIN to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**H. 4300--CONFERENCE REPORT ADOPTED**

**H. 4300 -- Conference Report**

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

That the same do pass with the following amendments: (Reference is to Printer’s Version 05/09/23.)

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

Amend title to conform.

/s/Sen. Harvey Smith Peeler Jr. /s/Rep. Bruce Wyche Bannister

/s/Sen. Thomas C. Alexander /s/Rep. William G. Herbkersman

/s/Sen. Nikki Giles Setzler Rep. J. Todd Rutherford

On Part of the Senate. On Part of the House.

Rep. BANNISTER explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 14

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Calhoon | Carter |
| Caskey | Chapman | Collins |
| Connell | B. L. Cox | Davis |
| Dillard | Elliott | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | W. Jones |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | McCravy |
| McDaniel | McGinnis | Mitchell |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Ott | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rutherford | Sandifer |
| Schuessler | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Vaughan | Wetmore | Wheeler |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Cobb-Hunter | Cromer |
| Harris | S. Jones | Kilmartin |
| Magnuson | May | McCabe |
| T. A. Morgan | Oremus | Pace |
| Trantham | White |  |

**Total--14**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

While I was in attending a conference committee, I missed voting on the House Budget (H. 4300) Conference Report. I would have voted in the affirmative.

Rep. Shannon Erickson

RECORD FOR VOTING

If I had not been in a conflicting meeting regarding a conference committee, I intended to vote no on H.4300. I voted against this Bill previously and continue to oppose this record and reckless spending on non-core government functions.

Rep. Adam Morgan

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 4300:

H. 4300 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 4301--CONFERENCE REPORT ADOPTED**

The General Assembly, Columbia, S.C., June 09, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4301 – Ways and Means Committee. TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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.  In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the S. C. Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2022-2023 the following amounts:

(1) H090 The Citadel

Engineering Building $11,499,994

(2) H120 Clemson University

Maintenance, Renovation, and Replacement $10,000,000

(3) H150 University of Charleston

Maintenance, Renovation, Replacement, and

Expansion $9,000,000

(4) H170 Coastal Carolina

(a) Maintenance, Renovation, and

Replacement $3,500,000

(b) Edwards Humanities Building Renovation $4,000,000

(5) H180 Francis Marion University

(a) Maintenance, Renovation, and Replacement $1

(b) Founders Hall Renovation $9,000,000

(6) H210 Lander University

(a) Maintenance, Renovation, and Replacement $1

(b) Nursing Building $4,000,000

(c) Information Technology Security $3,500,000

(7) H240 South Carolina State University

(a) Maintenance, Renovation, and Replacement $1

(b) Turner Hall Replacement $10,000,000

(8) H270 USC Columbia

(a) Science and Technology Center $15,000,000

(b) Rural Brain Health Network and

Brain Health Institute $1

(9) H290 USC Aiken

(a) Maintenance, Renovation, and

Replacement $2,000,000

(b) Etherredge Center HVAC Upgrades $2,000,000

(10) H340 USC Upstate

(a) Maintenance, Renovation, and Replacement $5,000,000

(b) Health Education Complex Mechanical

Repairs $5,000,000

(11) H360 USC Beaufort

Convocation Center $10,000,000

(12) H370 USC Lancaster

Maintenance, Renovation, and Replacement $5,000,000

(13) H380 USC Salkehatchie

Maintenance, Renovation, and Replacement $5,000,000

(14) H390 USC Sumter

Maintenance, Renovation, and Replacement $8,000,000

(15) H400 USC Union

Maintenance, Renovation, and Replacement $5,000,000

(16) H470 Winthrop University

Maintenance, Renovation, and Replacement $2,500,000

(17) H510 Medical University of South Carolina

Maintenance, Renovation, and Replacement $5,000,000

(18) H590 Board for Technical and Comprehensive Education

Maintenance, Renovation, and Replacement

(a) Aiken Technical College $3,000,000

(b) Central Carolina Technical College $1

(c) Denmark Technical College $1

(d) Florence-Darlington Technical College $2,000,000

(e) Greenville Technical College $7,000,000

(f) Midlands Technical College $10,000,000

(g) Horry-Georgetown Technical College $1,000,000

(h) Northeastern Technical College $1,000,000

(i) Orangeburg-Calhoun Technical College $2,000,000

(j) Piedmont Technical College $6,500,000

(k) Spartanburg Community College $6,000,000

(l) Technical College of the Lowcountry $1,500,000

(m) Tri-County Technical College $7,000,000

(n) Trident Technical College $2,500,000

(o) Williamsburg Technical College $1,000,000

(p) York Technical College $4,000,000

(q) Central Carolina Technical College

Sumter County $8,694,430

(19) H590 Board for Technical and Comprehensive Education

(a) Horry Georgetown Technical College

Marine Technology Center $2,000,000

(b) Trident Technical College

Electric Vehicle Institute $5,000,000

(c) Trident Technical College

Workforce Training $5,000,000

(d) readySC $1

SECTION 2. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11‑11‑320(D) of the S.C. Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 3. This joint resolution takes effect thirty days after the completion of the 2022‑2023 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(D)(1) of the S.C. Code.

Amend title to conform.

/s/Sen. Peeler /s/Rep. Bannister

/s/Senator Alexander /s/Rep. Herbkersman

/s/Senator Setzler /s/Rep. Rutherford

On part of the Senate. On part of the House.

Rep. BANNISTER explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Calhoon |
| Carter | Caskey | Chapman |
| Collins | Connell | B. L. Cox |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rutherford |
| Sandifer | Schuessler | G. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Thigpen | Trantham | Vaughan |
| Wetmore | Wheeler | White |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Cobb-Hunter |  |  |

**Total--1**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 4301:

H. 4301 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 4023--CONFERENCE REPORT ADOPTED**

The General Assembly, Columbia, S.C., June 13, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4023 -- Reps. Erickson, S Jones, Tedder, Scott, Hembree and Turner: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑152‑60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59‑152‑70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59‑152‑150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING POLICES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES; BY ADDING SECTION 63‑11‑1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD-SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63‑11‑1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63‑11‑1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE MEMBERSHIP OF THE ADVISORY COUNCIL, TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63‑11‑1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; AND BY AMENDING SECTION 59‑152‑10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED.

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.A. Section 59‑152‑60 of the S.C. Code is amended to read:

Section 59‑152‑60. (A) Each county must be represented by on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the local legislative delegation, and be on file with the Office of First Steps.

(B) The South Carolina First Steps to School Readiness Board of Trustees must establish bylaws for use by each local partnership board. These bylaws must, in addition to other requirements provided in this section, require that a meeting or election of a local partnership board comply with all Freedom of Information Act and IRS disclosure requirements.

(C) In accordance with the bylaws established by the board of trustees, appointed members shall comprise a voting majority of the board.

(1) No more than four may be elected to sit on a First Steps Partnership Board.

(2) Each county legislative delegation may shall appoint up to four six members to a local partnership board. In multicounty partnerships, the legislative delegations shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59‑152‑70(E).

(3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate recommend one member to the legislative delegation for appointment by the delegation to serve as a member of the local First Steps Partnership Board:

(a) county Department of Social Services;

(b) county Department of Health and Environmental Control; and

(c) Head Start or early Head Start;.

(d) county library; and

(e) each of the school districts in the county.

(4) The county public library system staff located within a particular First Steps Partnership coverage area shall recommend one employee of the system for appointment by its county council to serve as a member of the partnership, and the council either shall make the appointment or reject the appointment and ask the library staff to make another recommendation.

(5) Each public school district board located within a particular First Steps Partnership coverage area shall appoint one of its employees to serve as a member of the local First Steps Partnership.

(6) The legislative delegation may by resolution delegate some or all of its appointments to county council.

(D) In conjunction with the independent external program evaluation established in Section 59‑152‑160, the South Carolina First Steps to School Readiness Board of Trustees shall conduct a formal review of the membership categories for First Steps Partnership Board composition. Upon completion of the review, the South Carolina First Steps to School Readiness Board of Trustees shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the composition categories for First Steps Partnership Boards in place at that time, or recommending any appropriate and necessary changes.

(E)(1) Members who miss more than three consecutive meetings without excuse or members who resign must be replaced from the same categories as their predecessor are considered terminated from membership and a vacancy is created.

(2) When any membership vacancy occurs, the vacancy timely must be filled with a person from the same category and in the same manner of election or appointment as the vacated member.

(3) The terms of the members of a local First Steps Partnership Board are for four years; however, excluding all appointed members, membership on the board may not exceed eight consecutive years. Elected members may not serve in a holdover capacity after their term ends.

(F) The chairman of a local partnership board must be elected by majority vote of the board. The chairman shall serve a one‑year term; however, the chairman may be elected to subsequent terms not to exceed a total of four consecutive years.

(G) A local First Steps Partnership board must have policies and procedures for conducting meetings and disclosing records comparable to those provided for in the Freedom of Information Act. Prior to every vote taken by the board, members must abstain from voting if the issue being considered would result in a conflict of interest. The abstention must be noted in the minutes of the meeting.

B. The terms of all local First Steps Partnership members designated pursuant to Section 59‑152‑60(C)(3) terminate on July 1, 2023. The South Carolina First Steps to School Readiness Board of Trustees shall design and implement a transition plan setting forth the tasks to be accomplished by local First Steps Partnerships in compliance with the requirements of this act. This plan shall be fully implemented by July 1, 2024.

SECTION 2. Section 59‑152‑70 of the S.C. Code is amended to read:

Section 59‑152‑70. (A) A First Steps Partnership Board shall, among its other powers and duties:

(1) adopt bylaws as established by the First Steps to School Readiness Board to effectuate the provisions of this chapter which must include the creation of a periodic meeting schedule;

(2) coordinate a collaborative effort at the county or multicounty level which will bring the community together to identify the area needs related to the goals of First Steps to School Readiness; develop a strategic long‑term plan for meeting those needs; develop specific initiatives to implement the elements of the plan; and integrate service delivery where possible;

(3) coordinate and oversee the implementation of the comprehensive strategic plan including, but not limited to, direct service provision, contracting for service provision, and organization and management of volunteer programs;

(4) effective July 1, 2016, each partnership's comprehensive plan shall include the following core functions:

(a) service as a local portal connecting families of preschool children to community‑based services they may need or desire to ensure the school readiness of their children;

(b) service as a community convener around the needs of preschool children and their families; and

(c) support of state‑level school readiness priorities as determined by the State Board;

(5) update a needs assessment every three years;

(6) implement fiscal policies and procedures as required by the First Steps office and as needed to ensure fiscal accountability of all funds appropriated to the partnership;

(7) keep accurate records of the partnership's board meetings, board member's attendance, programs, and activities for annual submission to the First Steps to School Readiness Board of Trustees;

(8) collect information and submit an annual report by October first to the First Steps to School Readiness Board of Trustees, and otherwise participate in the annual review and the three‑year evaluation of operations and programs. Before December 1, 2017, and annually before December first thereafter, the Office of South Carolina First Steps shall publish each local partnership's comprehensive plan and annual report on the office's website. Reports must include, but not be limited to:

(a) determination of the current level and data pertaining to the delivery and effectiveness of services for young children and their families, including the numbers of preschool children and their families served;

(b) strategic goals for increased availability, accessibility, quality, and efficiency of activities and services for young children and their families which will enable children to reach school ready to succeed;

(c) monitoring of progress toward strategic goals;

(d) report on implementation activities;

(e) recommendations for changes to the strategic plan which may include new areas of implementation;

(f) evaluation and report of program effectiveness and client satisfaction before, during, and after the implementation of the strategic plan, where available; and

(g) estimation of cost savings attributable to increased efficiency and effectiveness of delivery of services to young children and their families, where available.;

(9) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees requests to hire a local First Steps partnership executive director. Such a request should provide the rationale for the request and include such information as qualifications of applicants, current and requested salaries of applicants, resumes of candidates, and any information to justify the salary requested;

(10) submit for approval by the South Carolina First Steps to School Readiness Board of Trustees justification of and recommendations for the salary and any salary increases for the local First Steps partnership executive director;

(11) implement and document an annual performance evaluation for the local First Steps partnership executive director. The completed document shall be submitted annually to the South Carolina First Steps to School Readiness Board of Trustees.

(B) Each local partnership may, in the performance of its duties, employ or acquire staff pursuant to the local partnership bylaws established by the South Carolina First Steps to School Readiness Board of Trustees. Overhead costs of a First Step partnership's operations may not exceed eight thirteen percent of the total state funds appropriated for partnership grants. The South Carolina First Steps to School Readiness Board of Trustees shall contract with an independent cost accountant to provide recommendations as to an adequate, and not excessive, overhead cost rate for individual partnerships no later than July 1, 2017. Once these recommendations are received, the First Steps to School Readiness Board of Trustees may adjust the overhead percentage for the local partnership. Once the overhead rates are established, the rates may not be amended or revised for at least five years, and the board may not grant a waiver from this provision to the local partnership. Local partnerships that are not part of a multicounty partnership and exceed the overhead cost rate are ineligible to receive state funds.

(C) Each First Steps partnership may apply for, receive, and expend federal, state, and local funds, grants, and other funding in order to improve programs as provided in Section 59‑152‑25(A).

(D) To be designated a First Steps partnership, the local partnership must be a private nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code.

(E)(1) Multiple First Steps local partnerships may collaborate in a manner they determine will maximize the efficient and effective provision of First Steps services and programs to children and their families and best enable the partnerships to execute their duties and powers established in this chapter. In such a collaboration, partnerships may merge or work in concert with one or more of their programprograms, administrative, or development functions or establish multicounty partnerships. The decision to collaborate in the manner permitted in this subsection rests entirely with the local partnership boards of directors involved.

(2) To establish a multicounty partnership, the partnerships shall submit a joint proposal to the South Carolina First Steps to School Readiness Board of Trustees including, but not limited to, a plan to ensure each county in the partnership coverage area is equally represented on the local partnership board. In furtherance of this process, the South Carolina First Steps to School Readiness Board of Trustees shall have the authority to set aside the local First Steps Partnership board requirements listed within Section 59‑152‑60(C)(1)‑(6), as is necessary to establish a multicounty partnership. No multicounty partnership shall be established nor separated without prior approval by the South Carolina First Steps to School Readiness Board of Trustees.

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps, including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local legislative delegation.

SECTION 3. Section 59‑152‑150(A) of the S.C. Code is amended to read:

(A) The Office of South Carolina First Steps to School Readiness shall develop and require local partnerships to adopt and implement a standard fiscal accountability system including, but not limited to, a uniform, standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts, and contract management and monitoring. accountability system shall require competitive bids for the purchase or procurement of goods and services of ten thousand dollars or more. A bid other than the lowest bid may be accepted by a majority vote of the partnership board if other considerations outweigh the cost factor; however, written justification must be filed with the Office of First Steps. The Office of First Steps, in consultation with the Office of State Procurement, must adopt and develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase of goods and services. The Office of First Steps may contract with outside firms to develop and ensure implementation of this standard fiscal accountability system, and the Office of First Steps may inspect fiscal and program records of partnerships and developing partnerships to ensure their compliance with the required system. The Office of First Steps may contract with a state entity with existing means for developing contracts and disbursing funds in order to make use of the existing infrastructure, if it is efficient and not administratively burdensome to partnerships.

SECTION 4. Article 17, Chapter 11, Title 63 of the S.C. Code is amended by adding:

Section 63‑11‑1726. All publicly funded early childhood-serving agencies and entities shall participate in data-sharing initiatives supported by the advisory council in furtherance of the requirements listed in Section 63‑11‑1725.

SECTION 5. Section 63‑11‑1720(C) of the S.C. Code is amended to read:

(C) The board shall include members appointed in the following manner:

(1) the Governor shall appoint one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators;

(d) medical providers;

(e) child care and development providers; and

(f) the General Assembly, one member from the Senate and one member from the House of Representatives;

(2) the President of the Senate shall appoint one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators; and

(d) medical or child care and development providers;

(3) the Speaker of the House of Representatives shall appoint one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators; and

(d) medical or child care and development;

(4) the Chairman of the Senate Education Committee or his designee;

(5) the Chairman of the House Education and Public Works Committee or his designee; and

(6) the chief executive officer of each of the following shall serve as an ex officio voting member:

(a) Department of Social Services;

(b) Department of Health and Environmental Control;

(c) Department of Health and Human Services;

(d) Department of Disabilities and Special Needs;

(e) State Head Start Collaboration Officer; and

(f) Children's Trust of South Carolina; and

(g) Department of Mental Health.

SECTION 6. Section 63-11-1725(B) of the S.C. Code is amended to read:

(B) The membership of the advisory council is composed of the membership of the Board of Trustees of the South Carolina First Steps to School Readiness Initiative. Each voting and nonvoting member shall serve as a voting member of the South Carolina Advisory Council, concurrent with his service on the board. In addition, two executive directors from local First Steps Partnerships must serve as voting members on the advisory council with one appointed by the House Education and Public Works Committee and one appointed by the Senate Education Committee.

SECTION 7. Section 63‑11‑1725(D) of the S.C. Code is amended to read:

(D) The State Director of First Steps shall coordinate the activities of the advisory council. Pursuant to 42 U.S.C. Section 9837b(b)(1)(D)(i), the advisory council shall:

(1) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to the age of school entry, including an assessment of the availability of high‑quality prekindergarten services for low income children in the State;

(2) identify opportunities for, and barriers to, collaboration and coordination among federally funded and state‑funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering these programs;

(3) develop recommendations for increasing the overall participation of children in existing federal, state, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(4) develop, recommendations regarding the establishment of maintain, and serve as the governing body for a unified and integrated data collection system for public early childhood education and development programs and services throughout the State, implement sound data governance policies that protect privacy, and maintain a comprehensive infrastructure for integrated, and when applicable, longitudinal data for public early childhood education and development programs, and services, and state, local, and federal funding sources throughout the State;

(5) develop and maintain parent knowledge‑building activities, including web‑based portals to inform parents of all publicly funded early childhood programs and services which include, but are not limited to, an eligibility screener and common application;

(6) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(6)(7) assess the capacity and effectiveness of two‑year and four‑year public and private institutions of higher education in the State for supporting the development of early childhood educators, including the extent to which these institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;

(8) prepare an overall strategic plan at least once every five years that establishes clearly defined goals, objectives, strategies, and key measures of progress for optimizing the state’s early childhood system. Following creation of such plan, the council shall periodically review the implementation of the plan and review any changes in the state’s needs;

(7)(9) make recommendations for improvements in state early learning standards and undertake efforts to develop high‑quality comprehensive early learning standards, as appropriate;

(8) (10) develop and publish, using available demographic data, an indicators‑based measure of school readiness at the state and community level;

(9)(11) incorporate, within the periodic statewide needs assessments required in 42 U.S.C. Section 9837b, any data related to the capacity and efforts of private sector providers, Head Start providers, and local school districts to serve children from birth to age five, including fiscal, enrollment, and capacity data; and

(10)(12) perform all other functions, as permitted under federal and state law, to improve coordination and delivery of early childhood education and development to children in this State.

SECTION 8. Section 63‑11‑1730 of the S.C. Code is amended to read:

Section 63‑11‑1730. To oversee and be accountable for the South Carolina First Steps to School Readiness Initiative, in accordance with the APA, the board shall:

(1) develop and promulgate a comprehensive long‑range initiative for improving early childhood development and increasing school readiness and literacy, which shall include the specific requirements of Chapter 152, Title 59;

(2) in accordance with the APA, promulgate regulations and establish guidelines, policies, and procedures for the continued implementation of the South Carolina First Steps to School Readiness initiative;

(3) provide oversight on the continued implementation and evaluation of the South Carolina First Steps to School Readiness initiative at the state and local levels;

(4) establish and promulgate grant qualification requirements and a formula by which allocations for qualifying partnership grants shall be calculated;

(5) ensure the provision of technical assistance, consultation services and support to First Steps Partnerships including: the creation and annual revision of county needs assessments; the prioritization, implementation, and evaluation of each First Steps Partnership's strategic plans based on needs assessments; and the identification of assets from other funding sources;

(6) assess and develop recommendations: for ensuring coordination and collaboration among service providers at both the state and county level, for increasing the efficiency and effectiveness of state programs and funding and other programs and funding sources, as allowable, as necessary to carry out the First Steps to School Readiness initiative, including additional fiscal strategies, redeployment of state resources, and development of new programs;

(7) establish and promulgate results‑oriented measures and objectives and assess whether services provided by First Steps Partnerships to children and families are meeting the goals and achieving the results established for the First Steps initiative pursuant to Chapter 152, Title 59;

(8) receive gifts, bequests, and devises for deposit for awarding grants to First Steps Partnerships;

(9) report annually to the General Assembly by January first on activities and progress to include recommendations for changes and legislative initiatives and results of program evaluations;

(10) establish and promulgate internal policies and procedures to allow the board to operate optimally, which shall include, but not be limited to, an established and consistent process for decision making;

(11) develop, implement, and document an annual performance process for the Director of the Office of South Carolina First Steps;

(12) establish and promulgate bylaws for adoption by local First Steps Partnerships;

(13) establish core personnel policies and procedures for adoption by local First Steps Partnerships;

(14) develop a standard process by July 1, 2024, for reviewing submissions made by local partnerships as it relates to the hiring, salaries, and annual performance evaluations of local partnership executive directors pursuant to Chapter 152, Title 59;

(15) establish and promulgate internal evaluation policies and procedures for local partnerships for annual review pursuant to Chapter 152, Title 59; and

(14) (16) arrange for the conduction of an independent external program evaluation pursuant to Chapter 152, Title 59.

SECTION 9. Section 59‑152‑10 of the S.C. Code is amended to read:

Section 59‑152‑10. (A) There is established the South Carolina First Steps to School Readiness, a comprehensive, results‑oriented initiative for improving early childhood development by providing, through local partnerships, public and private funds, and support for high‑quality early childhood development and education services for children by providing support for their families' efforts toward enabling their children to reach school ready to succeed.

(B) The provisions of the South Carolina First Steps to School Readiness Act, as enacted by Act 99 of 1999, and as subsequently amended, and this chapter are permanently enacted, and future reauthorization is not necessary.

SECTION 10. This act takes effect upon approval by the Governor.

Amend title to conform.

/s/Sen. Scott /s/Rep. Erickson

/s/Senator Hembree /s/Rep. S Jones

/s/Senator Turner Rep. Tedder

On part of the Senate. On part of the House.

Rep. ERICKSON explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Blackwell | Bradley | Brewer |
| Brittain | Calhoon | Carter |
| Caskey | Chapman | Cobb-Hunter |
| Collins | Connell | B. L. Cox |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hosey | Hyde |
| Jefferson | J. L. Johnson | S. Jones |
| W. Jones | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rutherford |
| Sandifer | Schuessler | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | Wheeler | White |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KING a leave of absence for the remainder of the day.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Davis, K. Johnson and Turner of the Committee of Free Conference on the part of the Senate on S. 108:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very respectfully,

President

Received as information.

**S. 108--FREE CONFERENCE POWERS GRANTED**

Rep. GAGNON moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Blackwell | Bradley | Brewer |
| Brittain | Calhoon | Carter |
| Caskey | Chapman | Cobb-Hunter |
| Collins | Connell | B. L. Cox |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hosey | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Kilmartin |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | J. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| Nutt | O'Neal | Oremus |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rutherford | Sandifer | Schuessler |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Thayer | Thigpen |
| Trantham | Vaughan | Wetmore |
| Wheeler | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. HYDE, GAGNON and HOWARD to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on S. 108:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very Respectfully,

President

Received as information.

**S. 108--FREE CONFERENCE REPORT ADOPTED**

The General Assembly, Columbia, S.C., May 11, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

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 9-1-1770(D) of the S.C. Code is amended to read:

(D)(1) RESERVED For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member’s designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member’s death is either:

(a) the result of an unlawful and intentional act of another person; or

(b) the result of an accident that occurs:

(i) as a result of the member’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member’s response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member’s lifetime. If no designation is made, then the payment must be paid to the member’s surviving spouse. If there is no surviving spouse, the payment must be paid to the member’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker’s compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program’s actual experience and the recommendation of the system’s actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

SECTION 2. Section 9-11-120(E) of the S.C. Code is amended to read:

(E)(1) [Reserved] For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member’s designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member’s death is either:

(a) the result of an unlawful and intentional act of another person; or

(b) the result of an accident that occurs:

(i) as a result of the member’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member’s response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member’s lifetime. If no designation is made, then the payment must be paid to the member’s surviving spouse. If there is no surviving spouse, the payment must be paid to the member’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker’s compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program’s actual experience and the recommendation of the system’s actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

SECTION 3. Section 42-7-90 of the S.C. Code is amended by adding:

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term "first responder" means:

(i) an emergency medical technician as defined in Section 44-61-20(12);

(ii) a law enforcement officer as defined in Section 23-23-10(E)(1);

(iii) a corrections officer as described in Section 23-1-145 or Section 24-1-280;

(iv) reserves as defined in Section 23-28-10(A);

(v) constables appointed pursuant to Section 23-1-60;

(vi) a fire department worker who serves on a paid or voluntary basis for a firefighting agency, fire department, or a volunteer fire department and who performs duties related to rescue, fire suppression, and public safety; or

(vii) a coroner as defined in Section 17-5-5(3) or a deputy coroner as defined in Section 17-5-5(5) who directly engages in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder’s wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder’s death is either:

(i) the result of an unlawful and intentional act of another person; or

(ii) the result of an accident that occurs:

(A) as a result of the first responder’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder’s response to what is reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner prescribed by the agency during the first responder’s lifetime. If no designation is made, then the payment must be paid to the first responder’s surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, but excluding first responder death benefit payments made to a member of a retirement system, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

SECTION 4. Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42-7-220. There is established, within the office of the State Accident Fund, the South Carolina First Responder Line of Duty Death Benefit Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year. This fund is created to ensure payment of line of duty death benefits to first responders as defined in 42-7-90 and only may be used for that purpose. The fund must be administered by the Director of the State Accident Fund who shall establish procedures to implement this section. Upon request from the Director of the State Accident Fund, the State Treasurer shall transfer from general funds of the State into the separate fund such sufficient amounts to pay claims that are owing and due pursuant to this section. The State Accident Fund, in coordination with the Office of State Treasurer, shall provide a report on an annual basis on the claims from the fund to the Senate Finance Committee and the House Ways and Means Committee.

SECTION 5. This act takes effect on May 11, 2023.

Amend title to conform.

/s/Sen. Davis /s/Rep. Gagnon

/s/Senator Turner /s/Rep. Hyde

/s/Senator K Johnson /s/Rep. Howard

On part of the Senate. On part of the House.

Rep. GAGNON explained the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bannister |
| Bauer | Beach | Blackwell |
| Bradley | Brewer | Brittain |
| Calhoon | Carter | Caskey |
| Chapman | Collins | Connell |
| B. L. Cox | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Kilmartin | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGinnis | Mitchell |
| J. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | Nutt | O'Neal |
| Oremus | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rutherford | Sandifer |
| Schuessler | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Trantham | Vaughan | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 108. If I had been present, I would have voted in favor of the Bill.

Rep. Annie McDaniel

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that the Report of the Committee of Free Conference on the following Bill, having been adopted by both Houses, it was ordered that the title be changed to that of an Act and the Act enrolled for ratification:

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Hembree, Malloy and Adams of the Committee of Free Conference on the part of the Senate on H. 3532:

H. 3532 -- Reps. G. M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M. M. Smith, Davis, Pace, B. L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Very respectfully,

President

Received as information.

**H. 3532--FREE CONFERENCE POWERS GRANTED**

Rep. J. E. JOHNSON moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

H. 3532 -- Reps. G. M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M. M. Smith, Davis, Pace, B. L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Calhoon |
| Carter | Caskey | Chapman |
| Cobb-Hunter | Collins | Connell |
| B. L. Cox | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Kilmartin | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | J. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rutherford | Sandifer | Schuessler |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Thayer | Trantham |
| Vaughan | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. J. E. JOHNSON, ROBBINS and WETMORE to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 3532:

H. 3532 -- Reps. G. M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M. M. Smith, Davis, Pace, B. L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Very respectfully,

President

Received as information.

**H. 3532--FREE CONFERENCE REPORT ADOPTED**

The General Assembly, Columbia, S.C., June 05, 2023

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

H. 3532 – Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17‑15‑270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17‑15‑280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17‑15‑15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

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. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-270. (A) It is unlawful for a person to commit a violent crime while under a bond order or other pretrial release order for a previous violent crime. If the person is convicted of the subsequent violent crime, and is thereafter convicted of a violation of this section, the person is guilty of a felony and must be imprisoned not more than five years. The sentence may be imposed concurrently or consecutively to the punishment for the principal offense.

(B) For purposes of this section:

(1) a violent crime is defined as those contained in Section 16-1-60;

(2) a subsequent violent crime is one that occurs at a later date and time than the offense that resulted in the imposition of the bond order or other pretrial release order.

SECTION 2. Section 17‑15‑15 of the S.C. Code is amended to read:

Section 17‑15‑15. (A) Except as provided in subsection (D), in lieu of requiring actual posting of bond as provided in subsection (A) of Section 17‑15‑10(A), the court setting bond may permit the defendant to deposit in cash with the clerk of court an amount not to exceed ten percent of the amount of bond set, which amount, when the defendant fulfills the condition of the bond, shall must be returned to the defendant by the clerk except as provided in subsection (C).

(B) The cash deposit provided for in subsection (A) shall must be assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant and delivered to the clerk. After assignment and after the defendant fulfills the condition of his bond, the clerk shall return the cash deposit to the assignee thereof.

(C) In the event the cash deposit is not assigned but the defendant is required by the court to make restitution to the victim of his crime, such the deposit may be used for the purpose of such restitution.

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17‑15‑30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 , Title 17, and any other provision of law.

SECTION 3. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court shall must consider:

(1) a person's criminal record;

(2) any current charges pending against a person and any prior charges against a person at the time release is requested;

(3) all incident reports generated as a result of an offense charged;

(4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and

(6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall must provide the court with the following information:

(a) a person's criminal record;

(b) any charges pending against a person at the time release is requested;

(c) all incident reports generated as a result of the offense charged; and

(d) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

SECTION 4. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-35. (A) As used in this section:

(1) “Approved active electronic monitoring device” and “monitoring device” means a body worn or non-body worn device or mobile phone application approved by the South Carolina Law Enforcement Division which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's location and activities, that must verify live biometric, photographic, or videographic identification information, and that timely records and reports the person’s location.

(2) “Approved electronic monitoring agency” means a law enforcement agency, licensed bondsman or bonding company, or electronic monitoring company that is certified by the South Carolina Law Enforcement Division to supply, maintain, and monitor electronic monitoring devices to participants ordered by the court to wear electronic monitoring devices under the provisions of this section.

(3) “SLED” means the South Carolina Law Enforcement Division.

(4) “Monitoring agency” or “agency” means an approved electronic monitoring agency.

(5) “Participant” means a person, ordered by the court or as a condition of bond to wear or possess an approved electronic monitoring device.

(B)(1) The court, in its discretion, may, for a person charged with a violation of criminal offense under the jurisdiction of the court of general sessions or any offense where the court finds sufficient evidence of a concern for the victim’s safety or the safety of any member of the public, order that the person be placed on surveillance via an approved active electronic monitoring device which must be worn or possessed at all times for the duration specified by the court, either in lieu of setting or requiring the posting of bond or as an additional condition of the release on bond.

(2) For pretrial bond consideration, the judge is not limited to nonviolent offenses, but must take into consideration all concerns relating to the setting of an appropriate bond under Section 22-5-510, Sections 17-15-10, et seq., and Section 16-25-120. The device must be capable of recording the person’s location at all times. If the court orders a device, before the participant is allowed to leave custody, the detention facility where the defendant is located, in coordination with the approved monitoring agency, must ensure the participant is fitted with an approved active electronic monitoring device, and that all appropriate bond paperwork, including the agreement with the bonding and electronic monitoring companies acknowledging the terms and restrictions of the bond, is completed.

(3) The participant who is ordered on supervision must:

(a) wear an approved device at all times to verify his compliance with the conditions of his detention or if the device is not body worn, must maintain possession of his approved device on or near his person at all times for the duration of the detention and must verify his identity and location at any time required by the order of the court and must maintain the monitoring device on or near his person at all times for the duration of the detention, subject to the order of the court and reasonable orders of an agent or employee of the monitoring agency in order to effectuate the conditions of the monitoring order. For purposes of this subsection, “near” means within hearing distance of the device’s notification or call alerts but not farther than thirty feet. In areas of the State where cellular coverage requires the use of an alternate device, the approved electronic monitoring company may use an alternate approved device with approval of the court;

(b) charge and maintain the monitoring device in working order and must report any damage, destruction, or noticeable malfunction of the active monitoring device, whether the incident was accidental or intentional, and including the device having a dead battery, to at least one of the following parties within two hours of the incident: the monitoring agency, the appropriate law enforcement agency with jurisdiction over the underlying offense, or any other party specified in the order;

(c) abide by other terms and conditions set forth by the approved electronic monitoring agency with regard to the monitoring device and electronic monitoring program;

(d) turn himself in to custody of the appropriate detention facility upon the order of the monitoring agency, or the appropriate law enforcement agency with jurisdiction over the offense; and

(e) pay for the cost of the approved active electronic monitoring device and the operation of the monitoring device for the duration of the time the person is required to be electronically monitored, subject to an order of indigency by the court. The summary court or circuit court has jurisdiction upon motion of the defendant to consider exempting a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if it is determined that exceptional circumstances exist such that these payments cause a severe hardship to the person who is deemed indigent. If the indigency hearing is held at a time and date separate from the initial bond hearing, the defense must notify the prosecutor, the bondsman, and the monitoring agency of the date, time, and location of the hearing subject to the notice requirements of the court.

The payment of the cost must be a condition of supervision of the person and a delinquency of two weeks or more in making payments may operate as a violation of a term or condition of the electronic monitoring and bond. No person shall be denied the privilege of electronic monitoring under this statute based on inability to pay upon a finding by the court that the defendant meets the qualifications for indigency. The State shall allocate funds to be housed in an indigency fund under the control of the Department of Public Safety to be distributed to the monitoring companies as appropriate to cover the cost of indigent participants.

(C) A participant ordered by the court to be monitored under the provisions of this section, who fails to comply with any of the provisions of this section or who fails to comply with any additional condition of the court order including location restrictions, may have his bond revoked or may be punished for contempt at the discretion of the court.

(D) It is unlawful for any person, knowingly and without authority, to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent an active electronic monitoring device, or to aid or assist a person ordered by the court to be electronically monitored under the provisions of this section to remove, tamper with, damage, destroy, shield the signal from, or otherwise circumvent a monitoring device and, upon conviction, the person must be punished under the provisions of Section 24-13-425. This subsection does not apply to a person or agent of the electronic monitoring agency or bonding company, or a member of law enforcement acting under the authority of and with compliance to the court order.

(E)(1) Upon violation of any of these requirements and a showing by affidavit and supporting records by the electronic monitoring company on a domestic violence bond or general sessions bond or where emergency circumstances exist on any other bond, the approved electronic monitoring company may approach a summary court judge for a bench warrant if one is not already provided for in the bond paperwork or other court order. Law enforcement shall immediately attempt to locate and incarcerate the defendant upon notice of the bench warrant. After incarceration, the prosecutor must be notified and the defendant must be brought before a summary court judge within three calendar days or before a circuit court judge within three business days, whichever has jurisdiction of the underlying charge, to determine whether the bond is to be reconsidered or bond conditions amended. The prosecution must provide the defense with any relevant evidence regarding the alleged violation within a reasonable time before the hearing and the hearing may be continued for cause.

(2) Nothing in this section shall reduce any duty of the bondsman to pick up the offending bailee and immediately incarcerate him for violation of bond conditions. Failure to do so may lead to bond estreatment for failure to enforce bond conditions by the bondsman and possible other administrative or criminal action.

(3) Nothing in this section may be used to hold the electronic monitoring agency civilly liable for any criminal acts of the defendant committed while being monitored.

SECTION 5. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-37. (A) The South Carolina Law Enforcement Division may promulgate regulations to effectuate the intent of Section 17-15-35 and this section, develop standards for the use and approval of active electronic monitoring devices, and shall certify electronic monitoring agencies, including law enforcement agencies, electronic monitoring companies, and bondsmen and bonding companies. SLED must keep a public list of those companies that are certified.

(B) The approved electronic monitoring agency must:

(1) provide active electronic monitoring devices or mobile phone applications approved by SLED that must provide verifiable identity and location information at regular and random intervals throughout the day, and that timely record and report the person’s presence near or within a prohibited area or the person’s departure from a specified geographic location;

(2) allow any law enforcement agency, including the prosecutor’s office, to have access to real-time monitoring, if possible, and any reports requested by law enforcement or the prosecution must be provided within twenty-four hours of the request;

(3) notify the solicitor having jurisdiction over the participant and the bondsman within forty‑eight hours when he becomes aware or should have become aware that the participant has violated any provision of the court’s order for electronic monitoring, or the participant has been surrendered to the custody of law enforcement; and

(4) immediately notify local law enforcement and make reasonable attempts to immediately notify the victim if the participant violates any exclusion zones related to the victim.

(C) Failure of the electronic monitoring agency to maintain compliance with regulations established by SLED, the order of the court, or any applicable statute shall be reported to SLED by the solicitor for administrative action. SLED may impose a fine, or suspend or revoke the certification for any approved agency who demonstrates a failure to maintain the standards and reporting requirements set forth under the regulations and appropriate statutes.

SECTION 6. Section 17-15-55 of the S.C. Code is amended to read:

Section 17-15-55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts may consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. A defendant shall be advised of his right to a speedy trial. Information regarding the defendant's guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor's consent.Notwithstanding another provision of law, nothing prevents a solicitor or the defendant from filing a motion for a speedy trial or requesting the court to set a date certain for trial based on the facts and circumstances in the case. If either party fails to comply with the terms of an order granting a speedy trial, the court may reconsider the terms of the defendant’s bond, may consider sanctions and may grant other just and proper relief as the court determines.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any. The court must have a hearing and rule on the state’s motion within thirty days of the filing.

(2) After a circuit court judge has heard and ruled upon the state's motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state's motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof that reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant's motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.

(C) If a person commits a violent crimeoffense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent crime offense or any felony offense involving a firearm and the subsequent violent crime offense did not arise out of the same series of events as the previous violent crimeoffense, then:

(1) the bond hearing for the subsequent violent crimeoriginal offense must be revoked by operation of law and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm;

(3) Iif the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Sections 17‑15‑15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety;

(4) Iif the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and

(D) (5)Iif a person commits a violent crimeoffense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent crimeoffense or felony offense involving a firearm, and the subsequent violent crime offense did not arise out of the same series of events as the previous violent crime offense, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection (C), to the solicitor of the circuit in which the crime offense was committed and the administrative chief judge of the circuit in which the crime offense was committed. The prosecuting agency must notify any victims of the initial or subsequent crimes offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16‑1‑60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) Notwithstanding subsection (C)(2), if the original bond was set in another judicial circuit, that prosecution agency shall be notified of the revocation and any finding the court makes pursuant to this subsection. The prosecution agency having jurisdiction over the subsequent charge must make the notification required in this subsection within forty-eight hours of the conclusion of the preceding. The presiding judge has jurisdiction to make a finding on record to deny a new bond on the original charge or may order a new bond hearing to be scheduled on the original charge in the judicial circuit where the charges are pending. This hearing must be scheduled within thirty days by the prosecution agency having jurisdiction over the original charges.

(F) For the purpose of bond revocation only, a summary court has concurrent jurisdiction with the circuit court for ten thirty days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

SECTION 7. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event~~,~~ including, but not limited to, any charges pending against the person requesting bail. “Violent offenses” as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(D) A court shall must consider:

(1) a person's criminal record;

(2) any charges pending against a person at the time release is requested;

(3) all incident reports generated as a result of an offense charged;

(4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and

(6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency shall must provide the court with the following information:

(1) the person's criminal record;

(2) any charges pending against the person at the time release is requested;

(3) all incident reports generated as a result of the offense charged; and

(4) any other information that will assist the court in determining conditions of release to include, but not be limited to, notification of any existing bonds for another offense.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION 8. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

SECTION 9. Section 24-13-425 of the S.C. Code is amended to read:

Section 24-13-425. (A) For the purposes of this section:

(1) “electronic monitoring device” includes any device ordered by a court or pursuant to any statute that is utilized to track the location of a person.

(2) “Person” includes any public or private agency or entity providing electronic monitoring services.

(B) It is unlawful for any person to knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purpose of monitoring a person who is:

(1) complying with the Home Detention Act as set forth in Article 15, Title 24;

(2) wearing an electronic monitoring device as a condition of bond or pretrial release;

(3) wearing an electronic monitoring device as a condition of probation, parole, or community supervision; or

(4) wearing an electronic monitoring device as required by any other provision of law.

(C) It shall be unlawful for any person to knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device which is being used for the purposes described in subsection (B).

(D) This section does not apply to an employee or agent of the electronic monitoring company, bonding company, or law enforcement entity who removes or replaces an active electronic monitoring device in order to perform maintenance and repair on the device, who removes and replaces a non-working device, who removes the device once the person is placed into secure custody or if the underlying charges have been dismissed, or who otherwise is acting under the authority of the court order.

(E) Any person who violates the provisions of this section shall be guilty of the misdemeanor offense of tampering with the operation of an electronic monitoring device and shall be imprisoned for not more than three years, or fined up to three thousand dollars, or both.

SECTION 10. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the Chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the court of general sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission’s findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

SECTION 11. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) “Surety bondsman” means any person who is approved by and licensed by the director or his designee as ana property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

SECTION 12. Section 38-53-10 of the S.C. Code is amended by adding:

(15) "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

SECTION 13. Section 38-53-50(B) of the S.C. Code is amended to read:

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

SECTION 14. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant fails to appear at a court proceeding to which he has been summonedviolates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court shallmust make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copyprovide written or electronic notice of the issuance of the bench warrant within seventhirty days of its issuance at the clerk of court's officeto every party bound in the recognizance. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION 15. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service shall, in and of itself, constitute good cause for the bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

SECTION 16. Section 38-53-170(e) and (f) of the S.C. Code is amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of twenty-fiveone hundred dollars or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman’s premium, and are not affected by this code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.

However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept collateral security or other indemnity from the principal which must be returned upon within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last know address of the depositor. After the conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money within three days after settlement;

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

SECTION 17. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month showing:.

(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has cause to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

(a)(1) each individual bonded;

(b)(2) the date the bond was given;

(c)(3) the principal sum of the bond;

(d)(4) the state or local official with whom the bond was filed;

(e)(5) the fee charged for the bonding service in each instance; and

(f)(6) all pending bonds; and

(7) any current data on monies to be collected and retained as an express condition of the bond, whether for electronic monitoring or otherwise.

(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system, which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

SECTION 18. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-55. When a person engaged in electronic monitoring of a defendant charged with a violent offense as defined by Section 16-1-60 becomes aware that the defendant has had contact with the alleged victim of the violent offense or with the immediate family of the alleged victim of the violent offense, he must immediately or within twenty-four hours, notify law enforcement, the solicitor, and the court having jurisdiction over the defendant of the contact.

SECTION 19. This act takes effect upon approval by the Governor; however, the provisions of Sections 17-15-35 and 17-15-37 take effect six months after approval by the Governor, and the provisions of Section 38-53-10(12) take effect July 1, 2024.

Amend title to conform.

/s/Sen. Malloy /s/Rep. J.E. Johnson

/s/Senator Hembree /s/Rep. Robbins

/s/Senator Adams /s/Rep. Wetmore

On part of the Senate. On part of the House.

Rep. J. E. JOHNSON explained the Free Conference Report.

Rep. RUTHERFORD spoke against the Free Conference Report.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. RUTHERFORD continued speaking.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Beach | Bernstein | Blackwell |
| Bradley | Brewer | Calhoon |
| Carter | Caskey | Chapman |
| Collins | Connell | B. L. Cox |
| Cromer | Davis | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Hewitt | Hiott |
| Hixon | Hyde | J. E. Johnson |
| Kilmartin | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pope |
| Robbins | Sandifer | Schuessler |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Thayer | Trantham |
| Vaughan | Wetmore | Wheeler |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Bamberg | Dillard |
| Gatch | Henderson-Myers | Henegan |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | Pendarvis |
| Rivers | Rutherford | Thigpen |
| Williams |  |  |

**Total--16**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**S. 330--CONFERENCE REPORT ADOPTED**

The General Assembly, Columbia, S.C., June 14, 2023

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

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 16-11-740 of the S.C. Code is amended to read:

Section 16-11-740. (A) For purposes of this section only, “electric utility system” means all plants, facilities, assets, and equipment owned, leased, or operated for the generation, transmission, distribution, or storage of electricity, regardless of generation source, and all natural gas facilities, including natural gas pipeline infrastructure.

(B)(1) It is unlawful for a person, without the consent of the owner, to wilfully and maliciously:

(1) (a) destroy, damage, or in any way injure a telegraph, telephone, electric utility system, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(2) (b) obstruct, impede, or impair their services or transmissions; or

(3) (c) aid, agree with, employ, or conspire with a person to do or cause to be done any of the acts mentioned in this sectionssubsection.

(2) A person who violates the provisions of this sectionsubsection is guilty of a felony misdemeanor and, upon conviction,:

(a) if the amount of the damage or loss is less than ten thousand dollars, must be fined in the discretion of the court or imprisoned not more than ten years., or both;

(b) if the amount of the damage or loss is ten thousand dollars or more but less than twenty-five thousand dollars, must be fined in the discretion of the court or imprisoned not more than fifteen years, or both;

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

(3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

(C)(1) It is unlawful for a person, without consent of the owner, to wilfully and maliciously by means of or use of a firearm or destructive device as defined by Section 16-23-710, to:

(a) destroy, damage, or in any way injure:

(i) an electric utility system; or

(ii) a gasoline, natural gas, or propane utility system, including poles, cables, wires, pipelines, storage containers, fixtures, or other apparatus, equipment, or appliances; or

(iii) a telegraph, telephone, satellite dish, or cable television system, including poles, cables, wires, fixtures, antennas, amplifiers, or other apparatus, equipment, or appliances;

(b) obstruct, impede, or impair their services or transmissions; or

(c) aid, employ, or conspire with a person to do or cause to be done any of the acts mentioned in subitems (a) and (b).

(2) A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years and may be fined in the discretion of the court.

(D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover damages fixed by the verdict, together with costs, including attorneys’ fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, “damages” includes actual and consequential damages.

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

Amend title to conform.

/s/Sen. Rankin /s/Rep. Bailey

/s/Senator Sabb /s/Rep. Bernstein

/s/Senator Talley /s/Rep. W Newton

On part of the Senate. On part of the House.

Rep. W. NEWTON explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Calhoon | Carter |
| Caskey | Chapman | Cobb-Hunter |
| Collins | Connell | B. L. Cox |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hart | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Hyde |
| Jefferson | J. L. Johnson | S. Jones |
| W. Jones | Kilmartin | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | J. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pope | Rivers | Robbins |
| Rutherford | Sandifer | Schuessler |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Thayer | Thigpen |
| Trantham | Vaughan | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total—106**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on S. 330:

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Very Respectfully,

President

Received as information.

**S. 330--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**SPEAKER IN CHAIR**

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 4023:

H. 4023 -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J. L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A. M. Morgan, Leber, T. A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

Very respectfully,

President

Received as information.

**H. 4023--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 397:

S. 397 -- Senators Shealy, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

Very respectfully,

President

**S. 397--HOUSE RECEDES FROM ITS AMENDMENTS**

On motion of Rep. M. M. SMITH, the House receded from its amendments, and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Wednesday, June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 85, H. 3890 by a vote of 34 to 2

(R. 85, H. 3890) -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGEMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGEMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING SCHOOLS OFFENSE.

Very respectfully,

President

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 407:

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3728--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., Wednesday, June 14, 2023

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3728:

H. 3728 -- Reps. Felder, A. M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B. J. Cox, Willis, Hewitt, West, Long, Burns and T. A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

and asks for a Committee of Conference and has appointed Senators Jackson, Massey and Hembree to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. ERICKSON, A. M. MORGAN and ALEXANDER to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Wednesday, June 14, 2023

Mr. Speaker and Members of the House:

A message having been received from the House that it had receded from its amendments, it was ordered that the title of the following Bill be changed to that of an Act and that the Act be enrolled for ratification.

s. 397 -- A bill TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11, CHAPTER 47, TITLE 40, SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

Very respectfully,

President

Received as information.

Rep. ERICKSON moved that when the House adjourns today, it stand adjourned pending receipt of messages from the Senate, and that the SPEAKER have the authority to appoint any conference committee as necessary, which was agreed to.

Rep. HIOTT moved that when the House adjourns today, it adjourn to meet at the call of the SPEAKER. If the SPEAKER, in consultation with majority and minority leaders, determines there is no need for the House to reconvene prior to the start of the next Legislative session, the SPEAKER may declare the House shall stand adjourned Sine Die until 12:00 noon, Tuesday, January 9, 2024, which was agreed to.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 14, 2023, at 3:10 P.M. and the following Acts and Joint Resolutions were ratified:

(R. 90, S. 96) -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50‑21‑10, RELATING TO DEFINITIONS, SO AS TO DEFINE "PERSONAL WATERCRAFT" AND "SPECIALTY PROPCRAFT"; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; BY ADDING SECTION 50-21-95 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT POSSESSING A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; AND BY AMENDING SECTION 50-21-870, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REMOVE THE DEFINITION OF "PERSONAL WATERCRAFT" AND TO REMOVE A BOATING PROHIBITION.

(R. 91, S. 108) -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9‑1‑1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 42-7-90, RELATING TO EXPENDITURES FROM THE STATE ACCIDENT FUND, SO AS TO ADD “FIRST RESPONDER LINE OF DUTY DEATH BENEFIT”; AND BY ADDING SECTION 42-7-220 SO AS TO ESTABLISH THE SOUTH CAROLINA FIRST RESPONDER LINE OF DUTY DEATH BENEFIT FUND.

(R. 92, S. 330) -- Senators Rankin, Alexander, Verdin and Garrett: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEMS, SO AS TO DEFINE THE TERM “ELECTRIC UTILITY SYSTEM”, TO PROVIDE CERTAIN WILFUL AND MALICIOUS ACTS CONSTITUTE VIOLATIONS OF THIS SECTION, TO PROVIDE A TIERED SYSTEM OF PENALTIES FOR CERTAIN VIOLATIONS, TO PROVIDE IT IS UNLAWFUL TO USE FIREARMS OR DESTRUCTIVE DEVICES TO DESTROY OR DAMAGE UTILITY SYSTEMS AND PROVIDE PENALTIES, AND TO PROVIDE REMEDIES TO PERSONS INJURED BY VIOLATIONS OF THIS SECTION.

(R. 93, S. 335) -- Senator Davis: AN ACT TO AMEND ACT 596 OF 1969, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HILTON HEAD NO. 1 PUBLIC SERVICE DISTRICT COMMISSION, TO PROVIDE FOR SEVEN APPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF CANDIDATES IN 2024 AND 2026.

(R. 94, S. 397) -- Senators Shealy, Setzler and Kimbrell: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND BY ADDING ARTICLE 11 TO CHAPTER 47, TITLE 40 SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS.

(R. 95, S. 407) -- Senators Shealy and Senn: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑53‑361, RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR OPIOID ANTIDOTES TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

(R. 96, H. 3360) -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

(R. 97, H. 3503) -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑53‑190, RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL‑RELATED SUBSTANCES; BY AMENDING SECTION 44‑53‑370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; BY AMENDING SECTION 44-53-370, RELATING TO NARCOTICS AND CONTROLLED SUBSTANCES PROHIBITED ACTS AND PENALITIES, SO AS TO ADD TRAFFICKING IN FENTANYL; BY ADDING SECTION 44-53-393 SO AS TO PROVIDE THAT THE TERM “DRUG PARAPHERNALIA” DOES NOT INCLUDE CERTAIN TESTING EQUIPMENT; AND BY ADDING SECTION 44-53-379 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN INDIVIDUALS WHO HAVE BEEN CONVICTED OF CERTAIN DRUG‑RELATED CRIMES TO POSSESS A FIREARM OR AMMUNITION WITHIN THIS STATE.

(R. 98, H. 3532) -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO CREATE AN ADDITIONAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IF A PERSON COMMITS A SUBSEQUENT VIOLENT CRIME WHILE SUBJECT TO A BOND ORDER OR PRETRIAL RELEASE ORDER FOR A PREVIOUS VIOLENT CRIME; BY AMENDING SECTION 17-15-15, RELATING TO CASH DEPOSITS IN LIEU OF BOND, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT A DEFENDANT MAY BE RELEASED ON BOND WHO HAS BEEN CHARGED WITH A VIOLENT OFFENSE OR ANY FELONY OFFENSE INVOLVING A FIREARM WHILE OUT ON BOND OR OTHER PRETRIAL RELEASE, THE BOND MUST BE SET AT THE FULL UNITED STATES CASH CURRENCY BOND RATHER THAN TEN PERCENT; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY ADDING SECTION 17-15-35 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE PROCEDURES FOR COURT-ORDERED ELECTRONIC MONITORING IN LIEU OF SETTING BOND OR AS AN ADDITIONAL CONDITION OF BOND; BY ADDING SECTION 17-15-37 SO AS TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROMULGATE REGULATIONS REGARDING ELECTRONIC MONITORING AND TO PROVIDE PARAMETERS FOR WHICH AN ELECTRONIC MONITORING AGENCY MUST OPERATE WITHIN; BY AMENDING SECTION 17-15-55, RELATING TO RECONSIDERATION OF BOND BY THE CIRCUIT COURT SET BY A SUMMARY COURT, SO AS TO PROVIDE A DEFENDANT MUST BE ADVISED OF HIS RIGHT TO A SPEEDY TRIAL AND TO PROVIDE PROCEDURES RELATED TO SPEEDY TRIALS, TO PROVIDE FOR THE REVOCATION OF PREVIOUS BOND IF A PERSON COMMITS A VIOLENT OFFENSE OR A FELONY OFFENSE INVOLVING A FIREARM WHICH WAS COMMITTED WHILE THE PERSON WAS ALREADY OUT ON BOND FOR A PREVIOUS VIOLENT OFFENSE OR FELONY OFFENSE INVOLVING A FIREARM, TO REQUIRE A FULL BOND UNDER CERTAIN REPEAT OFFENDER CIRCUMSTANCES, AND TO PROVIDE CONFORMING PROCEDURES; BY AMENDING SECTION 22-5-510, RELATING TO BAIL AND BOND HEARINGS AND CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY AMENDING SECTION 24-13-40, RELATING TO THE COMPUTATION OF TIME SERVED BY PRISONERS, SO AS TO PROHIBIT CREDIT FOR TIME SERVED PRIOR TO TRIAL AND SENTENCING WHEN THE PRISONER COMMITTED A SUBSEQUENT CRIME WHILE OUT ON BOND OR HAD BOND REVOKED ON ANY CHARGE PRIOR TO TRIAL OR PLEA; BY AMENDING SECTION 24-13-425, RELATING TO THE OFFENSE OF TAMPERING WITH AN ELECTRONIC MONITORING DEVICE, SO AS TO DELETE AN UNNECESSARY DEFINITION AND EXEMPT CERTAIN AUTHORIZED EMPLOYEES OR AGENTS FROM THE PURVIEW OF THE STATUTE; BY ADDING SECTION 17-15-500 SO AS TO ESTABLISH THE SOUTH CAROLINA PRETRIAL REFORM COMMISSION, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, AND TERMINATE THE COMMISSION ON A DATE CERTAIN; BY AMENDING SECTION 38‑53-10, RELATING TO DEFINTIONS FOR PURPOSES OF THE CHAPTER ON BAIL BONDSMEN AND RUNNERS, SO AS TO REVISE THE DEFINITION OF “SURETY BONDSMAN” AND DEFINE THE TERM “ELECTRONIC MONITORING”; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, SO AS TO MAKE A TECHNICAL CHANGE REGARDING NONPAYMENT OF PREMIUM FEES ALONE NOT BEING SUFFICIENT TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO THE ISSUANCE OF BENCH WARRANTS FOR FAILURE TO APPEAR, SO AS TO REVISE THE STATUTE TO APPLY MORE BROADLY WHEN A DEFENDANT VIOLATES THE CONDITIONS OF BOND AND REVISE TIME FRAMES PROVIDED FOR THE NOTICE OF THE BENCH WARRANT; BY ADDING SECTION 38-53-84 SO AS TO REQUIRE NOTIFICATION TO THE APPROPRIATE SOLICITOR IF A DEFENDANT VIOLATES AN ORDER FOR ELECTRONIC MONITORING, TO PROVIDE FOR RELIEF FROM THE BOND IF THE DEFENDANT FAILS TO PAY FOR THE MONITORING, AND TO PROVIDE FOR POSSIBLE REVOCATION OF A BONDSMAN’S LICENSE FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY BONDSMEN AND RUNNERS, SO AS TO PROVIDE ADDITIONAL PAYMENT PROCEDURES AND EXPENSE REIMBURSEMENT PROCEDURES; BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN BAIL BOND REPORTS THAT MUST BE FILED EACH MONTH WITH THE CLERK OF COURT, SO AS TO INCLUDE CURRENT DATA RETAINED AS AN EXPRESS CONDITION OF BOND, AND TO ALLOW FOR THE USE OF A DATA MANAGEMENT SOFTWARE SYSTEM IN LIEU OF THE WRITTEN REPORT; AND BY ADDING SECTION 38-53-55 SO AS TO REQUIRE A PERSON ENGAGED IN ELECTRONIC MONITORING OF A DEFENDANT CHARGED WITH A VIOLENT OFFENSE TO REPORT TO THE COURT AND LAW ENFORCEMENT OFFICIALS IF THE DEFENDANT HAS CONTACT WITH THE ALLEGED VICTIM.

(R. 99, H. 3553) -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑9‑750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, 63-9-710, AND 63-7‑1660, ALL RELATING TO CHILD PERMANENCY PROCEEDINGS, SO AS TO MAKE CERTAIN CHANGES TO EXPEDITE PERMANENCY FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS CHILD”; AND BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; AND FOR OTHER PURPOSES.

(R. 100, H. 4023) -- Reps. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑152‑60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59‑152‑70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59‑152‑150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING POLICES AND PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES; BY ADDING SECTION 63‑11‑1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD-SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63‑11‑1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63‑11‑1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE MEMBERSHIP OF THE ADVISORY COUNCIL, TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63‑11‑1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; AND BY AMENDING SECTION 59‑152‑10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED.

(R. 101, H. 4217) -- Reps. W. Newton, Herbkersman, Erickson, Bradley and Hager: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7‑7‑110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, ADD NEW PRECINCTS, REMOVE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

(R. 102, H. 4300) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

(R. 103, H. 4301) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2022-2023, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4524 -- Reps. Jefferson, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE VICTORIA ESTELLE "DOLLY" GRANT OF BERKELEY COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

**ADJOURNMENT**

At 2:10 p.m. the House in accordance with the motion of Rep. HIOTT adjourned to meet at the call of the SPEAKER.

\*\*\*