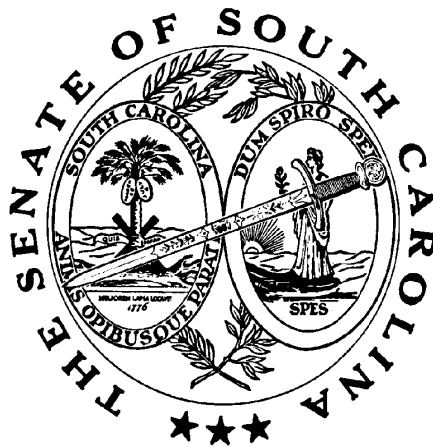


NO. 54

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, APRIL 12, 2023

Wednesday, April 12, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Psalm 34:2

We're told by the Psalmist: "My soul makes its boast in the Lord; let the humble hear and be glad."

Let us pray: There really is nothing "easy" about it, most blessed Lord. Striving to lead the sort of life You expect, being the kind of follower You desire, wanting to serve You in every way any of us possibly can -- it's all quite a formidable challenge. And that is why today, O God, we turn to You for encouragement and for Your blessing, asking You to enable us to be the faithful and humble servants of the people we know in our hearts that You desire us to be. May each and every Senator and staff member in this place take seriously the challenge to honor You by their words and their actions, while at the same time they bring about great and worthwhile good for the people of our State. In Your blessed name we pray, O Lord. Amen.

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

Point of Quorum

At 1:04 P.M., Senator HEMBREE made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2022, and to expire January 1, 2026

4th Congressional District:

Charles E. Dalton, 11 Harvest Court, Greenville, SC 29601-4409
VICE Barry D. Wynn

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

Berkeley County:

John Samuel West, 202 McCants Drive, Moncks Corner, SC 29461-1869
VICE Peggy H. Pinnell

Referred to the Committee on Judiciary.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2023, and to expire January 1, 2027

7th Congressional District:

Hugh L. Wilcox, Jr., 500 East Howe Springs Street, Florence, SC 29505
VICE Merrell W. Floyd

Referred to the Committee on Judiciary.

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Local Appointments

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Frances Cole, 127 Royal Drive, Williamston, SC 29697-2046

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Nancy W. Devine, 121 Wilson Road, Williamston, SC 29697-9723

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Linda C. Dudley-Graham, Post Office Box 863, Iva, SC 29655-0863

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ronald Gambrell, 205 Ashley Downs, Anderson, SC 29621-2408
VICE Denise Malone

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

J. Darrell Green, Jr., 103 Lusk Street, Honea Path, SC 29654-1317

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew Lollis, 111 Cliftons Landing Drive, Anderson, SC 29625-6243

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sherry Mattison, 309 Oakwood Estates Drive, Anderson, SC 29621-2471

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jeremy Pickens, 262 Public Well Rd., Anderson, SC 29626-5859
VICE Ronald W. Whitman

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

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Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Samuel Thompson Tucker III, 230 Grace Lane, Piedmont, SC 29673-7710

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Wesley White, 152 Buckland Drive, Anderson, SC 29621-3686

REGULATION WITHDRAWN

The following was received:

Document No. 5148

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

SUBJECT: Public Employment Office

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn April 11, 2023

Leave of Absence

On motion of Senator STEPHENS, at 3:42 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator STEPHENS, at 3:42 P.M., Senator SABB was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Loftis

S. 704 Sen. Gustafson and roll of the Senate

RECALLED, AMENDED

READ THE SECOND TIME

S. 593 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-440, RELATING TO DESIGNATION OF VOTING PRECINCTS IN ORANGEBURG COUNTY, SO AS TO REDESIGNATE THE MAP

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NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON
FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator HUTTO asked unanimous consent to make a motion to recall
the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

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

There was no objection.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (LC-
593.HDB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section
7-7-440(B) and inserting:

(B) The precinct lines defining the precincts in subsection (A) are as
shown on official maps on file with the Revenue and Fiscal Affairs
Office and as shown on copies provided to the State Election
Commission and the Board of Voter Registration and Elections of
Orangeburg County by the office and designated as ~~P-75-05~~P-75-23A.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

RECALLED

H. 4099 -- Reps. B. Newton, Neese, Mitchell and Yow: A BILL TO
AMEND THE SOUTH CAROLINA CODE OF LAWS BY
AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF
VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD
ONE PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON
WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE
REVENUE AND FISCAL AFFAIRS OFFICE.

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Senator M. JOHNSON asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND COMMITTED

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR

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AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO

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PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

On motion of Senator DAVIS, with unanimous consent, the Bill was recalled from the Committee on Judiciary and committed to the Committee on Labor, Commerce and Industry.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 718 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MR. CHARLIE ROUNTREE III FOR BEING INDUCTED INTO THE GOLF HALL OF FAME.

sr-0360km-vc23.docx : 9f2dd90a-549c-4cc1-bc33-5279805bb208

The Senate Resolution was adopted.

S. 719 -- Senator McElveen: A CONCURRENT RESOLUTION TO CONGRATULATE THE FEATHERHORN YOUNG GUNS SHOOTING TEAM OF FEATHERHORN FARMS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2023 GOVERNOR'S CUP.

lc-0204hdb-rm23.docx : 606d66a3-d048-4a2c-9eed-flcca9cf330

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

S. 720 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE CITY OF SENECA UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

sr-0318km-hw23.docx : d341b3bc-0758-4447-91fd-6d64573fc31a

The Senate Resolution was adopted.

S. 721 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE THE IMPORTANCE OF SMALL BUSINESSES TO THE SOUTH CAROLINA ECONOMY, TO CELEBRATE SMALL BUSINESS OWNERS ACROSS THE PALMETTO STATE, AND TO DECLARE WEDNESDAY, MAY 3, 2023, AS "SMALL BUSINESS DAY" IN SOUTH CAROLINA.

sr-0324km-vc23.docx : d7f2d83f-6d37-416b-8a08-4ecb57cd9d74

The Senate Resolution was adopted.

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S. 722 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DEACON DAVID MYERS, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0368km-vc23.docx : cb14c402-d73e-495b-99e6-a35e38f9f10c

The Senate Resolution was adopted.

S. 723 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-20, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; AND BY AMENDING SECTION 45-2-60, RELATING TO THE EJECTMENT OF A PERSON FROM A LODGING ESTABLISHMENT, SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT.

sj-0033pb23.docx : dd4ace69-72c7-4bb2-a571-b082447447e5

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

S. 724 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE SOUTH ATLANTIC CONFERENCE CHAMPIONSHIP.

sr-0369km-hw23.docx : eae985eb-cd5b-4cda-8c8d-04e2a86fe455

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

S. 725 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE NEWBERRY COLLEGE MEN'S GOLF TEAM FOR EARNING THE TOP TEAM GRADE POINT AVERAGE IN THE COUNTRY.

sr-0370km-hw23.docx : 6869d83e-043e-4161-b306-c2b3a37932bd

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

REPORTS OF STANDING COMMITTEES

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

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S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF

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LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

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

SECOND READING BILLS

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

On motion of Senator TALLEY.

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H. 4215--Ordered to a Third Reading

On motion of Senator TALLEY, H. 4215 was ordered to receive a third reading on Thursday, April 13, 2023.

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

On motion of Senator TALLEY.

H. 4216--Ordered to a Third Reading

On motion of Senator TALLEY, H. 4216 was ordered to receive a third reading on Thursday, April 13, 2023.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

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

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms, Fanning and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S), which was adopted:

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

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other

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body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State

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Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not

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exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on

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the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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

CARRIED OVER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

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

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POINT OF ORDER

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J.L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M.M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION

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52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 704 -- Senators McElveen, Gustafson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS "CLEVELAND SCHOOL FIRE MEMORIAL DAY" IN SOUTH CAROLINA.

The Resolution was adopted, ordered, sent to the House.

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H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN DORCHESTER COUNTY “LAVEL ‘TYLER’ NORMAN DAVIS, JR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, 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 CONCURRENT RESOLUTION TO PROCLAIM APRIL 27, 2023, AS “BOULINEAU’S IGA HERITAGE DAY” IN SOUTH CAROLINA

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

H. 4237 -- Reps. Felder, 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, 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,

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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 DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

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

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

MOTION ADOPTED

At 1:33 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

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

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

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

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

Amendment No. 4

Senator MALLOY proposed the following amendment (SJ-3532.BM0047S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. 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.

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(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.

(I) The commission is encouraged to apply for and may expend federal funds, grants, and gifts it receives from other sources to carry out its duties and responsibilities.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

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Amendment No. 5

Senators HEMBREE and MALLOY proposed the following amendment (SEDU-3532.DB0061S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(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 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. 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.

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(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 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.

Amend the bill further, SECTION 4, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime offense~~, 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 crime offense~~, then:

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(1) the bond hearing for the subsequent violent crime original 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) If 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) If 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) If a person commits a violent offense crime, 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 crime offense 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 offense violent crime, 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

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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 48 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 30 days by the prosecution agency having jurisdiction over the original charges.

(E)(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.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. 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

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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 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

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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 X. 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.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 6 was withdrawn.

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Motion Adopted

Senator MALLOY asked unanimous consent to proceed to Amendment No. 12.

Amendment No. 12

Senators MALLOY, HUTTO, ADAMS and HARPOOTLIAN proposed the following amendment (SJ-3532.BM0067S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X.A. 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

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or requiring the posting of bond or as an additional condition of the release on bond.

(2) For pre-trial bond consideration, the judge is not limited to non-violent 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) (a) The participant who is ordered on supervision must 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) must 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) must abide by other terms and conditions set forth by the approved electronic monitoring agency with regard to the monitoring device and electronic monitoring program;

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(d) must 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;

(e) must 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

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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 X. 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

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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 SELD 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 X. 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.

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(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.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Amendment No. 10A

Senators HARPOOTLIAN, HEMBREE and MALLOY proposed the following amendment (SEDU-3532.DB0068S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 17-15-55(A)(2) and inserting:

(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~~

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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.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 11

Senators HARPOOTLIAN, HEMBREE and MALLOY proposed the following amendment (SR-3532.JG0065S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 17-15-265. (A) When the clerk of court receives an initial bond form in a criminal case or an initial filing in a civil case, the court must enter the case into an accessible case tracking system.

(B) The Judicial Department must establish and maintain an accessible case tracking system ("ACTS") that contains the information required pursuant to this section regarding the status of each case pending before the South Carolina Supreme Court, the South Carolina Court of Appeals, or any South Carolina Circuit Court until the final disposition of the case. ACTS must be prominently posted on the Judicial Department's internet website and made available to the public in a searchable format. ACTS must include for each case:

- (1) the number of days the case has been pending;
- (2) the case number and caption;
- (3) the date of initial filing for a civil case or the date of indictment, or if no indictment, the date of the issuance of the warrant, for a criminal case;
- (4) the current status of the case;
- (5) a link to lower court decisions; and
- (6) the date the sitting court:

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- (a) received the case;
- (b) received the briefs, if briefed;
- (c) heard oral arguments, if argued; and
- (d) decided the case, if decided.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The amendment was adopted.

Amendment No. 13

Senators HUTTO and MALLOY proposed the following amendment (SJ-3532.BM0069S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 and inserting:

SECTION 4. 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.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 14

Senator MATTHEWS proposed the following amendment (SMIN-3532.MW0064S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a bail bond unless that person is qualified and licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government. A person engaged in electronic monitoring of a defendant

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shall only provide monitoring information to a solicitor or the court of competent jurisdiction unless otherwise ordered by the court. Monitoring information can only be provided to law enforcement pursuant to a court order.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was carried over.

Amendment No. 15

Senator MATTHEWS proposed the following amendment (SMIN-3532.AA0072S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. 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, within twenty-four hours, notify the solicitor and the court having jurisdiction over the defendant of the contact.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was carried over.

Amendment No. 1

Senator HEMBREE proposed the following amendment (SEDU-3532.DB0043S), which was withdrawn:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(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

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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 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. 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

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(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 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.

(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.

Amend the bill further, SECTION 3, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime~~ offense, 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 crime~~ offense, then:

(1) the bond hearing for the subsequent violent crime original offense must be revoked 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.

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(3) If 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. If a secondary bond is posted by a bond surety, the surety must certify to the court that all costs and fees required by the contract or agreement with the defendant were paid in full at the time of the bonding and that no future payments, fees, or interest are due from the defendant. A failure by the defendant to make payments or to pay fees or interest to a bond surety after the release from custody for any contract or agreement made in violation of this subsection shall not be enforceable in any court.

(4) If 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) If a person commits a violent offense~~crime~~, 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 ~~crime~~ offense 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 ~~offense violent crime~~, 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

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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) 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.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. 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.

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(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.

(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 X. 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

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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.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, the amendment was withdrawn.

Amendment No. 3A

Senator HARPOOTLIAN proposed the following amendment (SMIN-3532.MW0049S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 17-15-280.(A) To protect the fundamental rights of the accused and to advance the State's interest in speedy resolution of criminal trials, any person charged with a noncapital offense who is denied bond shall be brought to trial within one year of arrest or be released on his own recognizance.

(B) It shall be the duty of the court to ensure that the defendant is tried within the time specified above. No trial shall commence unless the prosecuting attorney first certifies to the court that discovery was fully produced at least thirty days prior and that all exculpatory information possessed by the prosecution team, including law enforcement, has been disclosed to the defendant and his counsel.

(C) Any extension of time requested and obtained by the defendant, on any delay attributable to the defendant's post -arrest conduct, shall be excluded from any calculation of the trial deadline.

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(D) Any court of competent jurisdiction that finds that a defendant has not been brought to trial within the time set forth above, shall release the defendant on his own recognizance pursuant to conditions set forth in Section 17-15-10(A), unless good cause be shown to the court and the court makes a finding of fact, memorialized in written order, and a certain trial date set.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HARPOOTLIAN, with unanimous consent, the amendment was withdrawn.

Amendment No. 16

Senator CLIMER proposed the following amendment (SR-3532.JG0076S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 17-15-40 of the S.C. Code is amended to read:

Section 17-15-40. (A) On releasing the person on any of the foregoing conditions, the court shall issue a brief order containing a statement of the conditions imposed, informing the person of the penalties for violation of the conditions of release and stating that a warrant for the person's arrest will be issued immediately upon any such violation. The person released shall acknowledge his understanding of the terms and conditions of his release and the penalties and forfeitures applicable in the event of violation thereof on a form to be prescribed by the Attorney General.

(B)(1) It is unlawful for a person to commit any crime when that person is already out on bond for a previous crime.

(2) A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than five years.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator CLIMER, with unanimous consent, the amendment was withdrawn.

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Amendment No. 17

Senator MATTHEWS proposed the following amendment (SMIN-3532.AA0075S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. 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.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

Amendment No. 18

Senator MALLOY proposed the following amendment (SJ-3532.BM0079S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. 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,

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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.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

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Amendment No. 19

Senators ADAMS, HUTTO and MALLOY proposed the following amendment (SJ-3532.MB0078S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

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

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Section 38-53-70. If a defendant ~~fails to appear at a court proceeding to which he has been summoned~~violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court ~~shall must make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy~~provide written or electronic notice of the issuance of the bench warrant within seven~~thirty~~ days of its issuance at the clerk of court's office to 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 X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a bail bond unless that person is employed by any electronic monitoring company that is approved by a licensed bail bondsman or qualified and licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government.

SECTION X. 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

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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 X. 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 five~~ one 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

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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 exceed 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 with 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 X. 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 caused 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;

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- ~~(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.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator ADAMS, with unanimous consent, Amendment No. 2 and No. 9 were withdrawn.

Motion Adopted

On motion of Senator MATTHEWS, with unanimous consent, Amendment No. 14 and No. 15 were withdrawn.

The question then was third reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jeremy Pickens, 262 Public Well Rd., Anderson, SC 29626-5859
VICE Ronald W. Whitman

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Ronald Gambrell, 205 Ashley Downs, Anderson, SC 29621-2408
VICE Denise Malone

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Mary Frances Cole, 127 Royal Drive, Williamston, SC 29697-2046

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Nancy W. Devine, 121 Wilson Road, Williamston, SC 29697-9723

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Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Linda C. Dudley-Graham, Post Office Box 863, Iva, SC 29655-0863

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Wesley White, 152 Buckland Drive, Anderson, SC 29621-3686

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Matthew Lollis, 111 Cliftons Landing Drive, Anderson, SC 29625-6243

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Sherry Mattison, 309 Oakwood Estates Drive, Anderson, SC 29621-2471

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Samuel Thompson Tucker, III, 230 Grace Lane, Piedmont, SC 29673-7710

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

J. Darrell Green, Jr., 103 Lusk Street, Honea Path, SC 29654-1317

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senators GOLDFINCH and RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Elizabeth Louise Floyd Marsh of Conway, S.C. Elizabeth was a graduate of Conway High School and Coastal Carolina. She worked as a paralegal for many years before staying home to raise her children. Elizabeth was an active member of Kingston Presbyterian Church where she sang in the choir and served as an Elder, Deacon and Sunday school teacher. She was a lifelong Girl Scout who enjoyed reading and spending time at the beach and outdoors. Elizabeth was a loving wife and devoted mother who will be dearly missed.

ADJOURNMENT

At 3:48 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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