

NO. 10

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

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THURSDAY, JANUARY 29, 2026

**Thursday, January 29, 2026**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.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 119:10

The Psalmist wrote: "With my whole heart I seek you; do not let me stray from your commandments."

Let us pray: Glorious Lord, we do humbly thank You that by Your Spirit's grace You strive to keep all of us focused. For indeed, without Your direction and Your guidance it is likely that we would stray far off of the pathways You want us always to follow. And to that end, Lord, we fervently pray that each of these Senators serving here in this Chamber will themselves always choose to listen for Your still, small voice and follow You, staying focused always on those ways and those goals that will best benefit all of the people of this State we love. And, O God, we continue to hold in our prayers everyone negatively impacted by the winter storm "Fern." Bless them all as they strive to move forward once again, remaining faithful to You. In Your holy and blessed name we pray, Lord. Amen.

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

**Call of the Senate**

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

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Gambrell	Garrett	Goldfinch
Graham	Grooms	Hembree
Hutto	Johnson	Kennedy
Leber	Martin	Massey

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Matthews	Ott	Peeler
Reichenbach	Rice	Stubbs
Sutton	Tedder	Turner
Verdin	Williams	Young
Zell		

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senator CASH introduced Dr. Amanda Davis of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator DEVINE, at 11:07 A.M., Senator JACKSON was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator BRIGHT, at 11:07 A.M., Senator FERNANDEZ was granted a leave of absence for today.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GARRETT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEBER rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 60	Sen. Johnson
S. 362	Sen. Graham
S. 508	Sen. Cash
S. 870	Sen. Sutton

**RECALLED**

S. 691 -- Senator Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF WHITESTONE GLENDALE ROAD AND BETHESDA ROAD IN SPARTANBURG COUNTY

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“CHIEF ROBERT E. BROWN SR. MEMORIAL INTERSECTION”  
AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS  
LOCATION CONTAINING THE DESIGNATION.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 864 -- Senator Matthews: A SENATE RESOLUTION TO  
CONGRATULATE ST. JAMES THE GREATER CATHOLIC  
MISSION UPON THE OCCASION OF ITS TWO HUNDREDTH  
ANNIVERSARY AND TO COMMEND THE CHURCH FOR ITS  
LEGACY OF FAITH AND RESILIENCE AND ITS MANY YEARS  
OF DEDICATED SERVICE TO THE COLLETON COUNTY  
COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH  
CAROLINA.

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The Senate Resolution was adopted.

S. 865 -- Senator Young: A CONCURRENT RESOLUTION TO  
RECOGNIZE AND HONOR THE SOUTH CAROLINA MILITARY  
VETERANS HALL OF FAME.

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

S. 866 -- Senators Elliott and Turner: A BILL TO AMEND THE  
SOUTH CAROLINA CODE OF LAWS BY ENACTING THE  
"MUNICIPAL TAX RELIEF ACT" BY ADDING CHAPTER 41 TO  
TITLE 5 SO AS TO AUTHORIZE CERTAIN MUNICIPALITIES TO  
IMPOSE UP TO A ONE PERFECT SALES TAX TO PROVIDE  
PROPERTY TAX RELIEF TO OWNER-OCCUPIED HOMES AND  
TO FINANCE CERTAIN PROJECTS, TO SPECIFY THE MANNER  
IN WHICH THE TAX MUST BE IMPOSED AND ADMINISTERED  
AND THE MANNER IN WHICH THE PROPERTY TAX CREDIT IS  
CALCULATED.

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

S. 867 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "THE DATA CENTER DEVELOPMENT ACT"; BY ADDING SECTION 49-35-10 SO AS TO DEFINE TERMS PERTAINING TO DATA CENTER DEVELOPMENT; BY ADDING SECTION 49-35-20 SO AS TO ESTABLISH THE DATA CENTER DEVELOPMENT OFFICE IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES, TO PROVIDE FOR THE POWERS AND DUTIES OF THE OFFICE, TO ESTABLISH THE DATA CENTER INDUSTRY ADVISORY COMMITTEE, TO PROVIDE FOR THE ADVISORY COMMITTEE'S MEMBERSHIP, AND TO PROVIDE FOR THE ADVISORY COMMITTEE'S POWERS AND DUTIES; BY ADDING SECTION 49-35-30 SO AS TO REQUIRE A SITING PERMIT BEFORE A DATA CENTER MAY LOCATE A FACILITY AT A PARTICULAR LOCATION, TO PROVIDE FOR THE PERMIT APPLICATION PROCESS, AND TO PROVIDE FOR THE TIMELINE FOR CONSIDERATION OF APPLICATIONS; BY ADDING SECTION 49-35-40 SO AS TO PROVIDE FOR PERFORMANCE-BASED OPERATIONAL EFFICIENCY STANDARDS, WATER EFFICIENCY STANDARDS, AND TO REQUIRE ANNUAL REPORTS; BY ADDING SECTION 49-35-50 SO AS TO PROVIDE FOR INFRASTRUCTURE ADEQUACY ASSESSMENTS, TO PROVIDE FOR ENVIRONMENTAL IMPACT ASSESSMENTS, AND TO PROVIDE FOR REASONABLE BUFFER REQUIREMENTS; BY ADDING SECTION 49-35-60 SO AS TO PROVIDE FOR THE PUBLIC SERVICE COMMISSION'S ROLE CONCERNING RATES, AGREEMENTS BETWEEN UTILITIES AND DATA CENTERS, AND COST ALLOCATION METHODOLOGIES; BY ADDING SECTION 49-35-70 SO AS TO PROVIDE FOR DECOMMISSIONING PLANS AND FINANCIAL ASSURANCES ASSOCIATED WITH DECOMMISSIONING; BY ADDING SECTION 49-35-80 SO AS TO PROVIDE FOR THE INTERACTION BETWEEN THE PROVISIONS OF THIS CHAPTER AND LOCAL GOVERNMENTS AND LOCAL GOVERNMENT LAND USE PLANNING; BY ADDING SECTION 49-35-90 SO AS TO REQUIRE DATA CENTERS TO IMPLEMENT REASONABLE MEASURES TO MINIMIZE NOISE, VIBRATION, AND LIGHT IMPACTS RESULTING FROM THEIR OPERATION; BY ADDING SECTION 49-35-100 SO AS TO PROVIDE PROTECTIONS FOR

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CONFIDENTIAL INFORMATION SHARED WITH THE OFFICE BY DATA CENTER OPERATORS; BY ADDING SECTION 49-35-110 SO AS TO CLARIFY THE INTERACTION BETWEEN THIS CHAPTER AND OTHER ENVIRONMENTAL LAWS; BY ADDING SECTION 49-35-120 SO AS TO PROVIDE FOR ENFORCEMENT AND PENALTIES; TO PROVIDE THAT THE PROVISIONS OF THIS CHAPTER ARE PROSPECTIVE; TO PROVIDE FOR REGULATIONS FROM THE DEPARTMENT OF ENVIRONMENTAL SERVICES; AND TO PROVIDE THAT FOR TWO YEARS AFTER ENACTMENT THE DEPARTMENT OF ENVIRONMENTAL SERVICES SHALL PRIORITIZE TECHNICAL ASSISTANCE AND GUIDANCE OVER ENFORCEMENT TO FACILITATE INDUSTRY TRANSITION TO THE NEW REQUIREMENTS.

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

S. 868 -- Senator Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-335 SO AS TO DESIGNATE JUNE FIRST OF EACH YEAR AS "GOLD SHIELD DAY" TO HONOR FIRST RESPONDERS WHO HAVE BEEN KILLED IN THE LINE OF DUTY AND THE SACRIFICE OF THEIR SURVIVING FAMILIES.

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 869 -- Senators Climer, Peeler, Blackmon, Johnson and Stubbs: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-780, RELATING TO PERMANENT LICENSE PLATES AND FEES FOR VEHICLES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, SO AS TO CREATE A PERMANENT LICENSE PLATE FOR TRIBAL GOVERNMENTS LOCATED IN THE STATE.

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

S. 870 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 25-1-80 SO AS TO DEFINE NECESSARY TERMS, TO LIST REQUIREMENTS

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FOR MILITARY CHAPLAINS, TO ENSURE PRIVILEGED COMMUNICATION BETWEEN CHAPLAINS AND MILITIA MEMBERS AND AUTHORIZED PERSONNEL, AND TO PROVIDE DISCLOSURE EXCEPTIONS FOR CONFIDENTIAL COMMUNICATIONS.

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 871 -- Senator Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-58-50, RELATING TO REGULATION OF A QUALIFIED LOAN ORIGINATOR, SO AS TO PROVIDE AN EXCEPTION FOR EXPERIENCED QUALIFIED LOAN ORIGINATORS.

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

S. 872 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-80, RELATING TO AN APPLICATION FOR A DRIVER'S LICENSE OR PERMIT, SO AS TO REQUIRE APPLICANTS TO PROVIDE PROOF OF CITIZENSHIP OR LEGAL STATUS IN THE UNITED STATES, AND TO PROVIDE THAT IF THE APPLICANT IS NOT A CITIZEN, THEN THE DRIVER'S LICENSE MUST CONTAIN A "NC" DESIGNATION INDICATING THAT THE LICENSEE IS A NON-US CITIZEN; BY AMENDING SECTION 56-1-3350, RELATING TO ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO REQUIRE APPLICANTS TO PROVIDE PROOF OF CITIZENSHIP OR LEGAL STATUS IN THE UNITED STATES, AND TO PROVIDE THAT IF THE APPLICANT IS NOT A CITIZEN, THEN THE IDENTIFICATION CARD MUST CONTAIN A "NC" DESIGNATION INDICATING THAT THE HOLDER OF THE IDENTIFICATION CARD IS A NON-US CITIZEN; AND BY AMENDING SECTION 7-13-710, RELATING TO PROOF OF THE RIGHT TO VOTE, SO AS TO PROVIDE THAT A SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD WITH A "NC" DESIGNATION CANNOT BE USED TO VOTE.

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

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S. 873 -- Senator Ott: A SENATE RESOLUTION TO RECOGNIZE AND SUPPORT "INTRODUCE A GIRL TO ENGINEERING DAY"; TO ENCOURAGE THE PARTICIPATION OF STUDENTS, EDUCATORS, ENGINEERS, FAMILIES, AND COMMUNITY PARTNERS ACROSS THE STATE; AND TO DECLARE TUESDAY, FEBRUARY 24, 2026, AS "INTRODUCE A GIRL TO ENGINEERING DAY" IN SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 874 -- Senator Ott: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE PROFESSIONAL ENGINEERS WHO LIVE AND WORK IN THE GREAT STATE OF SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO HONOR OUR ENGINEERS FOR THEIR MANY CONTRIBUTIONS TO THE PALMETTO STATE'S QUALITY OF LIFE, AND TO DECLARE WEDNESDAY, FEBRUARY 25, 2026, AS "PROFESSIONAL ENGINEERS DAY" IN SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

**REPORTS OF STANDING COMMITTEE**

Senator YOUNG from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 695 -- Senators Young, Graham and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA SAFEGUARDING AMERICAN VETERANS' BENEFITS ACT"; AND BY ADDING ARTICLE 8 TO CHAPTER 11, TITLE 25, SO AS TO PROVIDE DEFINITIONS, SET GUIDELINES AND LIMITS FOR COMPENSATION, MEMORIALIZE TERMS, AND STATE PENALTIES FOR NONCOMPLIANCE.

Ordered for consideration tomorrow.

Senator YOUNG from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY



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HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

Ordered for consideration tomorrow.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, DEBATE INTERRUPTED**

S. 52 -- Senators Davis, Cash, Gambrell, Grooms, Jackson, Devine, Climer, Johnson, Adams, Turner, Kimbrell, Sutton, Blackmon, Williams, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2930, RELATING TO OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. (Abbreviated title)

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

**Motion Adopted**

Senator MASSEY asked unanimous consent to proceed to Amendment No. 41.

**Amendment No. 41**

Senators OTT and LEBER proposed the following amendment (SJ-52.MB0030S), which was carried over and subsequently adopted:

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

SECTION X. Section 16-1-60 of the S.C. Code is amended to read:

Section 16-1-60. (A) For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-2020); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e)

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or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); domestic violence of a high and aggravated nature (Section 16-25-65); domestic violence in the first degree (Section 16-25-20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(B)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses.

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(B) At the time of sentencing for a conviction of Section 50-21-113(A)(2) or Section 56-5-2945(B)(2), the judge may suspend the designation of violent offense and must include findings on the record documenting the departure from Section 16-1-60(A) for this conviction. The judge may not order a departure if the person has additional convictions before the judge that are violent offenses. For a person convicted prior to the effective date of this subsection, a person may petition the circuit court where the conviction occurred to remove the designation of violent offense from his record, provided the only violent offense on his record is Section 50-21-113(A)(2) or Section 56-5-2945(B)(2).

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

On motion of Senator OTT, the amendment was carried over.

**Motion Adopted**

Senator WALKER asked unanimous consent to proceed to Amendment No. 11A.

**Amendment No. 11A**

Senator WALKER proposed the following amendment (SMIN-52.MW0037S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-2930(C) and inserting:

~~(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. If it is determined that the~~ A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle convicted under the provisions of this section did does any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately cause a collision that occurred while the person was driving in violation of this section, and resulted in bodily injury is guilty of the offense of driving under the influence, third degree, and upon conviction, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not more than one year. the court may impose an additional consecutive sentence of a fine of not more than

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~~one thousand dollars or an additional period of imprisonment of not more than one hundred eighty days, or both. Notwithstanding the provisions of Sections 23-3-540, 22-3-550, and 14-25-65, this additional sentence may be imposed by the magistrate or municipal court for any offense for which the court would otherwise have jurisdiction.~~

Renumber sections to conform.

Amend title to conform.

Senator WALKER explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator WALKER asked unanimous consent to proceed to Amendment No. 16A.

**Amendment No. 16A**

Senator Walker proposed the following amendment (SMIN-52.MW0038S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 56-5-2933(C) and inserting:

~~(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. If it is determined that the A person who, while driving a vehicle while his alcohol concentration is eight one-hundredths of one percent or more and while driving a vehicle convicted under the provisions of this section did any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately cause a collision that resulted in bodily injury and occurred while the person was driving in violation of this section, is guilty of the offense of driving with an unlawful alcohol concentration, third degree, and upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished by a fine not less than two thousand one hundred dollars nor more than five thousand one hundred dollars and imprisonment not more than one year. the court may impose an additional consecutive sentence of a fine of not more than one thousand dollars or an additional period of imprisonment of not more than one hundred eighty days, or both. Notwithstanding the provisions of Sections 23-3-540, 22-3-550, and 14-25-65, this additional sentence may be imposed by the magistrate or municipal court for any offense for which the court would otherwise have jurisdiction.~~

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Renumber sections to conform.

Amend title to conform.

Senator WALKER explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator WALKER asked unanimous consent to proceed to Amendment No. 21.

**Amendment No. 21**

Senator WALKER proposed the following amendment (SMIN-52.MW0023S), which was adopted:

Amend the bill, as and if amended, SECTION 9, by striking Section 56-5-2950(J) and inserting:

~~(K)~~(J) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for such services if summoned for court at the request of the defendant.

Renumber sections to conform.

Amend title to conform.

Senator WALKER explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator WALKER asked unanimous consent to proceed to Amendment No. 22.

**Amendment No. 22**

Senator WALKER proposed the following amendment (SMIN-52.MW0024S), which was carried over:

Amend the bill, as and if amended, SECTION 10, by striking Section 56-5-2951(B)(1)(c) and inserting:

(c) obtain a temporary alcohol license with an ignition interlock device restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining

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a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. If a final disposition of the matter has not occurred within ninety days of the request of the contested case hearing the Department of Motor Vehicles shall remove the ignition interlock device restriction pending the final disposition of the contested case hearing. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while the remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section, or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person pursuant to subsection (H).

Renumber sections to conform.

Amend title to conform.

Senator WALKER explained the amendment.

On motion of Senator WALKER, the amendment was carried over.

**Motion Adopted**

Senator HEMBREE asked unanimous consent to proceed to Amendment No. 3.

**Amendment No. 3**

Senator HEMBREE proposed the following amendment (SEDU-52.DB0003S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-2930(A)(1), (2), (3), and (4) and inserting:

(1) for a first offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than

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thirty days, or both. The fine may not be suspended. ~~However~~however, in lieu of the forty-eight-hour minimum imprisonment, the court may provide for forty-eight-hours of public service employment. The minimum forty-eight-hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days, or both. The fine may not be suspended. ~~However~~however, in lieu of the seventy-two-hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two-hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, or the person's alcohol concentration is unknown, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days, or both. The fine may not be suspended. ~~However~~however, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item

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must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or the person's alcohol concentration is unknown, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. A person convicted of a second offense, in addition to carrying the automobile insurance required by Section 38-77-140, must secure an additional surety written in the amount of three hundred thousand dollars to be maintained for a period of three years. Proof of such policy must be submitted by the insurer to the Department of Motor Vehicles in the form of an SR-22 in order for the person's appropriate driving privileges to be reinstated;

(3) for a third offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or the person's alcohol concentration is unknown, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years. However, the fine imposed by this item must not be suspended in an amount less than two thousand one hundred dollars. A person convicted of a third offense, in addition to carrying the automobile insurance required by Section 38-77-140, must secure an additional surety written in the amount of three hundred thousand dollars



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to be maintained for a period of three years. Proof of such policy must be submitted by the insurer to the Department of Motor Vehicles in the form of an SR-22 in order for the person's appropriate driving privileges to be reinstated; or

(4) for a fourth or subsequent offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or if the person's alcohol concentration is unknown, then the person must be punished by imprisonment for not less than three years nor more than seven years. A person convicted of a fourth or subsequent offense, in addition to carrying the automobile insurance required by Section 38-77-140, must secure an additional surety written in the amount of five hundred thousand dollars to be maintained for a period of three years. Proof of such policy must be submitted by the insurer to the Department of Motor Vehicles in the form of an SR-22 in order for the person's appropriate driving privileges to be reinstated.

Amend the bill further, SECTION 3, by striking Section 56-5-2933(A)(1), (2), (3), and (4) and inserting:

(1) for a first offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days, or both. However, The fine may not be suspended, however, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight-hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight-hour sentence. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days, or both. However, The fine may not be suspended,

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however, in lieu of the seventy-two-hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or the person's alcohol concentration is unknown, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days, or both. However, The fine may not be suspended. however, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or a person's alcohol concentration is unknown, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years.

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However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or the person's alcohol concentration is unknown, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years. However, the fine imposed by this item must not be suspended in an amount less than two thousand one hundred dollars; or

(4) for a fourth or subsequent offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more or a person's alcohol concentration is unknown, then the person must be punished by imprisonment for not less than three years nor more than seven years.

Amend the bill further, SECTION 9, by striking Section 56-5-2950(A)(1) and (2) and inserting:

(1) ~~At~~ If the officer has reasonable suspicion to believe the person is under the influence of alcohol, at the direction of the arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. ~~If~~ However, if the person is physically unable to provide an acceptable breath sample because the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the person is being evaluated or treated at a medically licensed facility, the arresting officer may request a blood sample to be taken without first offering a breath

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test. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples taken with the timely consent of the person must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one-hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent.

(2) If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may request that the person submit a blood sample for testing. Such a request may be made with, or without first offering a breath test. A request for a blood sample may also be made after a breath sample has been provided if the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol. Blood samples taken with the consent of the person must be collected within three hours of the arrest unless exigent circumstances prevent collection of the samples within the three-hour period.

Blood and urine samples must be obtained by ~~physicians licensed by the State Board of Medical Examiners~~ a licensed physician, ~~or a~~ registered nurse, a certified phlebotomist, ~~or nurses licensed by the State Board of Nursing~~ and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED and may be collected anywhere SLED policy and the trained person who is collecting the sample determine is safe and reasonable.

Amend the bill further, SECTION 9, by striking Section 56-5-2950(C) and inserting:

(C) A hospital, physician, qualified technician, chemist, ~~phlebotomist~~, emergency medical technician, ~~or~~ registered nurse or other medical personnel who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This

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qualified release also applies to the employer of the person who conducts the test or obtains the samples.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

On motion of Senator HEMBREE, the amendment was carried over.

**Motion Adopted**

Senator HEMBREE asked unanimous consent to proceed to Amendment No. 39.

**Amendment No. 39**

Senator HEMBREE proposed the following amendment (SEDU-52.DB0008S), which was withdrawn:

Amend the bill, as and if amended, SECTION 5, by striking Section 56-5-2940(A) and inserting:

(A) A circuit solicitor must become the prosecuting authority for a first offense violation of Section 56-5-2930 or a first offense violation of Section 56-5-2933 ~~immediately~~ upon receiving notice that the person charged has retained or been appointed counsel. The circuit solicitor may refer a violation which occurred in a municipality to the municipality's prosecuting attorney. This provision is subject to funding by the General Assembly.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

On motion of Senator HEMBREE, with unanimous consent, Amendment No. 39 was withdrawn.

**Motion Adopted**

Senator JOHNSON asked unanimous consent to proceed to Amendment No. 37A .

**Amendment No. 37A**

Senators JOHNSON and WALKER proposed the following amendment (SJ-52.SW0016S), which was carried over:

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Amend the bill, as and if amended, SECTION 12, by striking Section 56-5-2953(B)(3) and inserting:

(3) A motion to suppress evidence that is based solely on the State's failure to comply with the videotaping requirements of this section must be made prior to the time that the jury is sworn, or jeopardy otherwise attaches. The court must view all relevant portions of any video recordings before making a ruling on suppression of evidence or testimony.

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

On motion of Senator JOHNSON, the amendment was carried over.

**Motion Adopted**

Senator JOHNSON asked unanimous consent to proceed to Amendment No. 40 .

**Amendment No. 40**

Senator JOHNSON proposed the following amendment (SJ-52.MB0031S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-2930(H) and inserting:

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Abuse Services. The judge may must order participation in a DUI victim impact panel including, but not limited to, one operated by an IRS-classified 501(c)(3) nonprofit organization approved by the Office of Substance Use Services, which may include online victim impact panels if approved by the Office. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy-five dollars subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the

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services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The ~~Department of Alcohol and Other Drug Abuse Services~~Office of Substance Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed ~~five hundred one thousand~~ two thousand four hundred dollars for education services, ~~two thousand five hundred~~ five thousand dollars in total for all services for each certified Alcohol and Drug Safety Action Program. The cost for the Alcohol and Drug Safety Action Plan is subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant has successfully completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

Amend the bill further, SECTION 3, by striking Section 56-5-2933(H) and inserting:

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Use Services, and the judge may must order participation in a DUI victim impact panel including, but not limited to, one operated by an IRS-classified 501(c)(3) nonprofit organization approved by the Office of Substance Use Services, which may include online victim impact panels if approved by the Office. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant

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must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed ~~five hundred~~ one thousand dollars for education services, ~~two four~~ thousand dollars for treatment services, and ~~two thousand five hundred~~ five thousand dollars in total for all services for each certified Alcohol and Drug Safety Action Program. The cost for the Alcohol and Drug Safety Action Program is subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after 2026. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy-five dollars subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant successfully has completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator ADAMS asked unanimous consent to proceed to Amendment No. 32 .



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**Amendment No. 32**

Senator ADAMS proposed the following amendment (SJ-52.MB0020S), which was adopted:

Amend the bill, as and if amended, SECTION 8, by adding and amending Section 56-5-2947(D) to read:

(D)(1) In addition to imposing the penalties for offenses listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles shall suspend the person's driver's license for sixty days upon conviction under subsection (A)(1)(a). Upon conviction under subsection (A)(1)(b) through (d), the Department of Motor Vehicles shall suspend the person's driver's license.

(2) Upon conviction under subsection (A)(1)~~(b)~~(d) through ~~(d)~~(f), the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56-1-1320 and 56-5-2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ignition interlock restricted license period is completed.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator OTT asked unanimous consent to proceed to Amendment No. 41.

**Amendment No. 41**

Senators OTT and LEBER proposed the following amendment (SJ-52.MB0030S), which was adopted:

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

SECTION X. Section 16-1-60 of the S.C. Code is amended to read:

Section 16-1-60. (A) For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first

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degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-2020); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); domestic violence of a high and aggravated nature (Section 16-25-65); domestic violence in the first degree (Section 16-25-20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle

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resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(B)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses.

(B) At the time of sentencing for a conviction of Section 50-21-113(A)(2) or Section 56-5-2945(B)(2), the judge may suspend the designation of violent offense and must include findings on the record documenting the departure from Section 16-1-60(A) for this conviction. The judge may not order a departure if the person has additional convictions before the judge that are violent offenses. For a person convicted prior to the effective date of this subsection, a person may petition the circuit court where the conviction occurred to remove the designation of violent offense from his record, provided the only violent offense on his record is Section 50-21-113(A)(2) or Section 56-5-2945(B)(2).

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

The amendment was adopted.

Debate was interrupted by adjournment.

**Expression of Personal Interest**

Senator MASSEY rose for an Expression of Personal Interest.

**Motion Adopted**

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

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**ADJOURNMENT**

At 12:51 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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