

## Session 115 - (2003-2004)

### H 3186 General Bill, By Wilkins, Harrison, Altman, Bailey, Littlejohn, Stille, Simrill, Sandifer, Walker, M.A. Pitts, Coates, Richardson and Cotty

#### Summary: Truth in Sentencing Act Sentencing Guidelines

A BILL TO ENACT THE "SOUTH CAROLINA TRUTH IN SENTENCING ACT" BY AMENDING SECTION 24-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFINEMENT OF PRISONERS AND WORK RELEASE PROGRAM ELIGIBILITY, SO AS TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS MUST MAKE REASONABLE EFFORTS TO NOTIFY CERTAIN INDIVIDUALS BEFORE RELEASING INMATES ON WORK RELEASE, AND TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-13-125, RELATING TO CONDITIONS A PRISONER MUST MEET TO BECOME ELIGIBLE FOR WORK RELEASE, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSES"; BY AMENDING SECTION 24-13-150, RELATING TO CONDITIONS A PRISONER MUST MEET TO BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-13-210, AS AMENDED, RELATING TO ELIGIBILITY FOR AND FORFEITURE OF GOOD CONDUCT CREDITS, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-13-230, AS AMENDED, RELATING TO ELIGIBILITY FOR EDUCATION CREDITS, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-13-650, AS AMENDED, RELATING TO THE PROHIBITION AGAINST THE RELEASE OF AN OFFENDER INTO THE COMMUNITY IN WHICH HE COMMITTED THE CRIME, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTIONS 24-13-710 AND 24-13-720, BOTH AS AMENDED, RELATING TO THE SUPERVISED FURLOUGH PROGRAM, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-13-1310, AS AMENDED, RELATING TO THE SHOCK INCARCERATION PROGRAM, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE"; BY AMENDING SECTION 24-21-30, AS AMENDED, RELATING TO PAROLE ELIGIBILITY, SO AS TO SUBSTITUTE CERTAIN FELONIES AND OFFENSES EXEMPT FROM CLASSIFICATION FOR THE TERM "NO PAROLE OFFENSE", TO REVISE THE GROUP OF INMATES WHO MUST COMPLETE A COMMUNITY SUPERVISION PROGRAM BEFORE BEING DISCHARGED FROM A COURT IMPOSED SENTENCE, AND TO REVISE THE CONDITIONS UPON WHICH PAROLE MAY BE GRANTED FOR CERTAIN CRIMES; BY AMENDING SECTION 24-21-560, RELATING TO PRISONERS WHO MUST COMPLETE A COMMUNITY SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES BEFORE THEIR RELEASE FROM THE CRIMINAL JUSTICE SYSTEM, SO AS TO SUBSTITUTE CERTAIN FELONIES FOR THE TERM "NO PAROLE OFFENSE", TO PROVIDE THAT A SENTENCE FOR A TERM OF INCARCERATION LESS THAN TWENTY YEARS IMPOSED FOR CERTAIN CRIMES MAY INCLUDE A REQUIREMENT FOR COMPLETION OF A COMMUNITY SUPERVISION PROGRAM, AND TO PROVIDE THAT IF A COURT DETERMINES THAT A PRISONER WILFULLY VIOLATED A TERM OR CONDITION OF THE COMMUNITY SUPERVISION PROGRAM, IT MAY NOT IMPOSE A PERIOD OF INCARCERATION THAT EXCEEDS THE LENGTH OF TIME REMAINING ON THE PRISONER'S ORIGINAL SENTENCE; BY AMENDING SECTION 24-26-10, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE SOUTH CAROLINA SENTENCING GUIDELINES COMMISSION, SO AS TO RENAME THE COMMISSION THE SOUTH CAROLINA CRIMINAL JUSTICE COMMISSION AND REVISE THE COMPOSITION OF THE COMMISSION; BY AMENDING SECTION 24-26-20, AS AMENDED, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA SENTENCING GUIDELINES COMMISSION, SO AS TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION, WHOSE NAME HAS BEEN CHANGED TO THE SOUTH CAROLINA CRIMINAL JUSTICE COMMISSION AND TO REVISE THE CONTENTS OF ITS ANNUAL REPORT; TO AMEND SECTION 24-26-50, AS AMENDED, RELATING TO THE ESTABLISHMENT OF GENERAL POLICIES AND APPROVAL OF ADVISORY GUIDELINES BY THE SENTENCING GUIDELINES COMMISSION, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE COMMISSION'S ADVISORY GUIDELINES MUST BE APPROVED BY THE GENERAL ASSEMBLY; TO AMEND SECTION 2-7-10, RELATING TO THE GENERAL EFFECTIVE DATE OF ACTS AND JOINT RESOLUTIONS, SO AS TO MAKE ALL ACTS WHICH IMPOSE A CRIMINAL PENALTY EFFECTIVE ON JANUARY FIRST OF THE YEAR AFTER APPROVAL BY THE GOVERNOR, UNLESS ANOTHER DATE IS SPECIALLY NAMED IN THE ACT AS THE DAY UPON WHICH IT TAKES

EFFECT; TO AMEND SECTION 16-1-10, AS AMENDED, RELATING TO THE CATEGORIZATION OF FELONIES AND MISDEMEANORS, SO AS TO REVISE THE EXEMPT CATEGORY OF CRIMES; TO AMEND SECTION 16-1-20, AS AMENDED, RELATING TO PENALTIES FOR THE VARIOUS CLASSES OF CRIMES, SO AS TO REVISE THE SET OF CRIMES FOR WHICH THE MINIMUM TERM OF IMPRISONMENT APPLIES TO; TO AMEND SECTION 16-1-30, AS AMENDED, RELATING TO THE CLASSIFICATION OF OFFENSES, SO AS TO PROVIDE THAT ALL OFFENSES ARE AUTOMATICALLY CLASSIFIED EXCEPT CERTAIN CRIMES THAT ARE EXEMPT FROM BEING CLASSIFIED; TO REPEAL SECTIONS 2-13-66, 16-1-90, 16-1-100, 16-1-110, AND 24-13-100; AND BY PROVIDING BOTH SEVERABILITY AND SAVINGS CLAUSES.

**12/11/02 House Prefiled**

**12/11/02 House Referred to Committee on Judiciary**

**01/14/03 House Introduced and read first time HJ-71**

**01/14/03 House Referred to Committee on Judiciary HJ-73**

**02/04/03 House Member(s) request name added as sponsor: Cotty**