

## Session 123 - (2019-2020)

### **S 0471 General Bill, By Shealy, Hutto and Jackson**

#### ***Similar (H 3919)***

#### **Summary:** Sentencing

A BILL TO AMEND SECTION 17-25-20 OF THE 1976 CODE, RELATING TO PUNISHMENT FOR A FELONY WHEN NOT SPECIALLY PROVIDED, TO PROVIDE THAT SOLITARY CONFINEMENT MAY NOT BE DIRECTED FOR A PERSON WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE; TO AMEND ARTICLE 1, CHAPTER 25, TITLE 17 OF THE 1976 CODE, RELATING TO CONVICTIONS AND SENTENCES, BY ADDING SECTION 17-25-35 AND SECTION 17-25-40, TO PROVIDE THAT A COURT SHALL NOT SENTENCE A PERSON TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE IF THE PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE, TO PROVIDE THAT A COURT MAY ISSUE A SENTENCE LESS THAN THE MINIMUM TERM OTHERWISE REQUIRED BY LAW IF THAT PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE, AND TO PROVIDE PAROLE ELIGIBILITY FOR A PERSON CONVICTED AND SENTENCED FOR AN OFFENSE COMMITTED BEFORE HE WAS EIGHTEEN YEARS OF AGE; TO AMEND SECTION 17-25-45(E) OF THE 1976 CODE, RELATING TO THE LIFE SENTENCE FOR A PERSON CONVINCED FOR CERTAIN CRIMES, TO PROVIDE THAT A PERSON MAY BE PAROLED IF HE WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING AN OFFENSE; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-15, TO PROVIDE THAT A COURT SHALL NOT SENTENCE A PERSON TO DEATH OR TO LIFE IMPRISONMENT WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND SECTION 16-11-311(B) OF THE 1976 CODE, RELATING TO BURGLARY IN THE FIRST DEGREE, TO PROVIDE THAT THE COURT SHALL NOT SENTENCE A PERSON TO LIFE WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND SECTION 24-13-100 OF THE 1976 CODE, RELATING TO THE DEFINITION OF A "NO PAROLE OFFENSE", TO PROVIDE AN EXCEPTION TO A "NO PAROLE OFFENSE" FOR AN OFFENSE COMMITTED BY A PERSON WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND ARTICLE 15, CHAPTER 19, TITLE 63 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE'S COMMITMENT RESPONSIBILITIES, BY ADDING SECTION 63-19-1690, TO PROVIDE FOR THE USE OF MECHANICAL OR CHEMICAL RESTRAINTS, ISOLATION, OR ROOM CONFINEMENT; AND TO PROVIDE THAT CERTAIN PROVISIONS APPLY RETROACTIVELY TO A PERSON WHOSE OFFENSE WAS COMMITTED BEFORE HE WAS EIGHTEEN YEARS OF AGE, REGARDLESS OF THE ORIGINAL SENTENCES THAT WERE IMPOSED.

**02/05/19 Senate Introduced and read first time (Senate Journal-page 5)**

**02/05/19 Senate Referred to Committee on Judiciary (Senate Journal-page 5)**