**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4458**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bowers

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Introduced in the House on January 28, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Review of the Judicial and Criminal Justice Systems and Relevant Laws Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑4

1/28/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑4

**VERSIONS OF THIS BILL**

[1/28/2010](file:///p:\pprever\2009-10\4458_20100128.docx)

**A** **BILL**

TO ESTABLISH THE SOUTH CAROLINA COMMISSION FOR THE REVIEW OF THE JUDICIAL AND CRIMINAL JUSTICE SYSTEMS AND RELEVANT LAWS; PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE COMMISSION; PROVIDE FOR THE STAFFING OF THE COMMISSION, AND PROVIDE FOR THE TERMINATION OF THE COMMISSION NOT LATER THAN FEBRUARY 1, 2011.

Whereas, the General Assembly is cognizant that the public is growing increasingly disillusioned with the ability of the judicial and criminal justice systems to protect the citizens of the State; and

Whereas, it is one of the primary obligations of the legislature to enact and maintain laws to protect the citizens of the State. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that it is necessary to address the disillusionment in the state’s judicial and criminal justice systems by establishing the South Carolina Commission for the Review of the Judicial and Criminal Justice Departments and Relevant Laws.

SECTION 2. There is established the South Carolina Commission for the Review of the Judicial and Criminal Justice Departments and Relevant Laws composed of thirteen voting members as follows:

(1) a justice of the Supreme Court, appointed by the Chief Justice of the Supreme Court;

(2) two circuit court judges, appointed by the Chief Justice of the Supreme Court;

(3) three members of the Senate to be designated by the Chairman of the Senate Judiciary Committee;

(4) three members of the House of Representatives designated by the Speaker of the House;

(5) an attorney, experienced in the practice of criminal law, appointed by the Governor from a list of candidates submitted by the President of the South Carolina Bar;

(6) the Dean of the Law School of the University of South Carolina or his designee;

(7) the South Carolina Attorney General, or his designee; and

(8) a solicitor appointed by the Chairman of the South Carolina Circuit Solicitors’ Association.

(B) In addition, there are four nonvoting members of the commission as follows:

(1) the Chief of the State Law Enforcement Division, or his designee, to serve ex officio;

(2) the Chairman of the Office of Indigent Defense, or his designee who must be a member of that commission or who must be the director of the commission;

(3) the Chairman of the State Board of Corrections, or his designee who must be a member of that board or who must be the Commissioner of the Department of Corrections; and

(4) the Chairman of the Board of the Department of Probation, Parole and Pardon Services, or his designee who must be a member of that board or who must be the Commissioner or Executive Director of the Department of Probation, Parole and Pardon Services.

(C) The members of the commission who are designated to serve by a particular person or official shall serve at the pleasure of that person or official making the designation and only so long as the designated member holds the official position entitling him to membership on the commission.

(D) The members of the commission shall elect one member to serve as chairman. The members of the commission may also elect additional officers they consider necessary for the efficient discharge of their duties.

(E) The South Carolina Commission for the Review of the Judicial and Criminal Justice Departments and Relevant Laws shall review, evaluate, and make recommendations for updating all relevant laws regarding the judicial and criminal justice systems to the legislature in order to achieve the goals of increasing crime control and restoring public confidence in the judicial and criminal justice systems.

(F) The 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 February 1, 2011, and the commission shall terminate when the report is made.

(G) The Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee shall provide staff for the commission.

(H) Members of the 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.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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