~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2009

**S. 348**

Introduced by Senators Fair, Sheheen, S. Martin, Lourie and Shoopman

S. Printed 4/22/09--S.

Read the first time January 29, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 348) to amend Section 16-3-95, as amended, Code of Laws of South Carolina, 1976, relating to infliction of great bodily injury upon a child, so, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 16‑3‑95(A) of the 1976 Code is amended to read:

“(A)(1) It is unlawful to inflict great bodily injury upon a child. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

(2) A person who is registered with or licensed by the Department of Social Services pursuant to Chapter 13, Title 63 or who is employed by or contracts with a person registered with or licensed by the department pursuant to Chapter 13, Title 63, who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be imprisoned not less than a mandatory minimum of two years and not more than twenty years. No part of the mandatory minimum sentence may be suspended nor is the person eligible for probation or parole until the person has served the mandatory minimum sentence.”

SECTION 2. Article 7, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑825. (A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home, annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.

(B) The department shall indicate on its website those family childcare homes that are and those that are not in compliance with this section and may include, but are not limited to, the amount of training the operator and other persons employed by or under contract with a family childcare home have reported to the department.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

PHILLIP W. SHOOPMAN C. BRADLEY HUTTO

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional expenditures are expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department, the Department of Corrections, and the Department of Social Services each indicate this bill will have either no impact or a minimal impact on the General Fund of the State, which can be absorbed by the agency at the current level of funding. The Judicial Department indicates however that the enhanced penalties may lead to an increase in trials instead of guilty pleas, which in turn will use more court time in General Session and increase the time in which a case can be processed. There is no impact on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

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

SECTION 1. Section 16‑3‑95(A) of the 1976 Code is amended to read:

“(A)(1) It is unlawful to inflict great bodily injury upon a child. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

(2) A person who is registered with or licensed by the Department of Social Services pursuant to Chapter 13, Title 63 or who is employed by or contracts with a person registered with or licensed by the department pursuant to Chapter 13, Title 63, who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be imprisoned not less than two years and not more than twenty years. No part of a sentence imposed pursuant to this subsection may be suspended.”

SECTION 2. Article 7, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑825. (A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home annually shall complete, and provide documentation to the Department of Social Services of, a minimum of two hours of training approved by the department.

(B) The department shall indicate on its website those family childcare homes that are and those that are not in compliance with this section and may include, but are not limited to, the amount of training the operator and other persons employed by or under contract with a family childcare home have reported to the department.”

SECTION 3. This act takes effect upon approval by the Governor.

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