**South Carolina General Assembly**

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**S. 122**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin and Bryant

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Introduced in the Senate on January 8, 2013

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

Summary: Sex offender registry

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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12/18/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 81](file:///h:\SJ%20Archive\2013\01-08-13.docx))

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1/18/2013 Senate Referred to Subcommittee: Hutto (ch), Corbin, Young

**VERSIONS OF THIS BILL**

[12/18/2012](file:///p:\pprever\2013-14\122_20121218.docx)

**A** **BILL**

TO AMEND SECTION 23‑3‑410 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO OPERATION OF THE SEX OFFENDER REGISTRY, SO AS TO MAKE CERTAIN TECHNICAL CHANGES; TO AMEND SECTION 23‑3‑450, RELATING TO REGISTRATION WITH THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE THAT AN OFFENDER SHALL REGISTER IN PERSON WITH THE SHERIFF OF THE OFFENDER’S PRIMARY COUNTY OF REGISTRATION, AND ANY AND ALL REQUIRED LOCATIONS, WHETHER PERMANENT OR TEMPORARY; TO AMEND SECTION 23‑3‑460, RELATING TO REGISTRATION AND REREGISTRATION WITH THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE THAT AN OFFENDER SHALL REGISTER AND REREGISTER WITH THE SHERIFF OF THE OFFENDER’S PRIMARY COUNTY OF REGISTRATION, AND ANY AND ALL REQUIRED LOCATIONS, WHETHER PERMANENT OR TEMPORARY, AND TO DEFINE “TEMPORARY ADDRESS”, “RESIDENCE”, AND “HABITUALLY LIVES OR RESIDES”; AND TO AMEND SECTION 23‑3‑480, RELATING TO THE OFFENSE OF FAILURE TO REGISTER WITH THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE THAT CERTAIN OFFENDERS SHALL REGISTER WITH THE SEX OFFENDER REGISTRY WITHIN THREE BUSINESS DAYS OF A NOTIFICATION OF THE DUTY TO REGISTER.

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

SECTION 1. Section 23‑3‑410 of the 1976 Code is amended to read:

“Section 23‑3‑410. (A) The registry is under the direction of the Chief of the State Law Enforcement Division (SLED) and shall contain information the ~~chief~~ Chief considers necessary to assist law enforcement in the location of persons convicted of certain offenses. SLED shall develop and operate the registry to: collect, analyze, and maintain information; make information available to every enforcement agency in this State and in other states; and establish a security system to ensure that only authorized persons may gain access to information gathered under this article.

(B) SLED shall include and cross‑reference alias names in the registry.”

SECTION 2. Section 23‑3‑450 of the 1976 Code is amended to read:

“Section 23‑3‑450. The offender shall register in person with the sheriff of ~~each county~~ the offender’s primary county of registration, and any and all county or state locations in which he resides, whether permanent or temporary, owns real property, is employed, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school. To register, the offender must provide information as prescribed by SLED. The sheriff in the county in which the offender resides, owns real property, is employed, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school shall forward all required registration information to SLED within three business days. A copy of this information must be kept by the sheriff’s department. The county sheriff shall ensure that all information required by SLED is secured and shall establish specific times of the day during which an offender may register. An offender shall not be considered to have registered until all information prescribed by SLED has been provided to the sheriff. The sheriff in the county in which the offender resides, owns real property, is employed, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school shall notify all local law enforcement agencies, including college or university law enforcement agencies, within three business days of an offender who resides, owns real property, is employed, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school within the local law enforcement agency’s jurisdiction.”

SECTION 3. Section 23‑3‑460 of the 1976 Code is amended to read:

“Section 23‑3‑460. (A) A person required to register pursuant to this article is required to register biannually for life. For purposes of this article, ‘biannually’ means each year during the month of his birthday and again during the sixth month following his birth month. The person required to register shall register and must reregister in person at the sheriff’s department in ~~each county~~ the offender’s primary county of registration, and any and all county or state locations where he resides, whether permanent or temporary, owns real property, is employed, or attends any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school. A person determined by a court to be a sexually violent predator pursuant to state law is required to verify registration and be photographed every ninety days by the sheriff’s department in the county in which he resides unless the person is committed to the custody of the State, and verification will be held in abeyance until his release. For purposes of this subsection, ‘temporary address’ or ‘residence’ means the location of the individual’s home or other place where the person habitually lives or resides, or where the person lives or resides for a period of ten or more consecutive days. For purposes of this subsection, ‘habitually lives or resides’ means locations at which the person lives with some regularity.

(B) A person classified as a Tier III offender by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109‑248), the Sex Offender Registration and Notification Act (SORNA), is required to register every ninety days.

(C) If a person required to register pursuant to this article changes his address within the same county, whether permanent or temporary, that person must ~~send~~ provide written notice in person of the change of address to the sheriff within three business days of establishing the new residence. If a person required to register under this article owns or acquires real property or is employed within a county in this State, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school, he must register in person with the sheriff in ~~each county~~ the offender’s primary county of registration, and any and all county or state locations where the real property, employment, or the public or private school is located within three business days of acquiring the real property or attending the public or private school. For purposes of this subsection, ‘temporary address’ or ‘residence’ means the location of the individual’s home or other place where the person habitually lives or resides, or where the person lives or resides for a period of ten or more consecutive days. For purposes of this subsection, ‘habitually lives or resides’ means locations at which the person lives with some regularity.

(D) If a person required to register pursuant to this article changes his permanent or temporary address into another county in South Carolina, the person must register in person with the county sheriff in the new county within three business days of establishing the new residence. The person also must provide written notice in person within three business days of the change of address in the previous county to the sheriff with whom the person last registered. For purposes of this subsection, ‘temporary address’ or ‘residence’ means the location of the individual’s home or other place where the person habitually lives or resides, or where the person lives or resides for a period of ten or more consecutive days. For purposes of this subsection, ‘habitually lives or resides’ means locations at which the person lives with some regularity.

(E) A person required to register pursuant to this article and who is employed by, attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school, must provide written notice in person within three business days of each change in attendance, enrollment, volunteer status, intern status, employment, or vocation status at any public or private school in this State. For purposes of this subsection, ‘employed and carries on a vocation’ means employment that is full time or part time for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and ‘student’ means a person who is enrolled on a full‑time or part‑time basis, in a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school.

(F) If a person required to register pursuant to this article moves outside of South Carolina, the person must provide written notice in person within three business days of the change of address to a new state to the county sheriff with whom the person last registered.

(G) A person required to register pursuant to this article who moves to South Carolina from another state establishes residence, acquires real property, is employed in, or attends, is enrolled, volunteers, interns, is employed by, or carries on a vocation at a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school in South Carolina, and is not under the jurisdiction of the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Department of Juvenile Justice, or the Juvenile Parole Board at the time of moving to South Carolina must register in person within three business days of establishing residence, acquiring real property, gaining employment, attending or enrolling, volunteering or interning, being employed by, or carrying on a vocation at a public or private school in this State.

(H) The sheriff of the county in which the person resides must forward all changes to any information provided by a person required to register pursuant to this article to SLED within three business days.

(I) A sheriff who receives registration information, notification of change of permanent or temporary address, or notification of change in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school, must notify all local law enforcement agencies, including college or university law enforcement agencies, within three business days of an offender whose permanent or temporary address, real property, or public or private school is within the local law enforcement agency’s jurisdiction.

(J) The South Carolina Department of Motor Vehicles, shall inform, in writing, any new resident who applies for a driver’s license, chauffeur’s license, vehicle tag, or state identification card of the obligation of sex offenders to register. The department also shall inform, in writing, a person renewing a driver’s license, chauffeur’s license, vehicle tag, or state identification card of the requirement for sex offenders to register.”

SECTION 4. Section 23‑3‑480 of the 1976 Code is amended to read:

“Section 23‑3‑480. (A) An arrest on charges of failure to register, service of an information or complaint for failure to register, or arraignment on charges of failure to register constitutes actual notice of the duty to register. A person charged with the crime of failure to register who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice through arrest, service, or arraignment. Failure to register after notice as required by this article constitutes grounds for filing another charge of failure to register. Registering following arrest, service, or arraignment on charges does not relieve the offender from the criminal penalty for failure to register before the filing of the original charge.

(B) Section 23‑3‑470 shall not apply to a person convicted of an offense provided in Section 23‑3‑430 prior to July 1, 1994, and who was released from custody prior to July 1, 1994, unless the person has been served notice of the duty to register by the sheriff of the county in which the person resides. This person shall register within ~~ten~~ three business days of the notification of the duty to register.”

SECTION 5. This act takes effect upon approval by the Governor.

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