**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3261**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on January 10, 2017

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

Summary: Sex offender registration termination

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 134](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 134](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3261&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3261_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑560 SO AS TO PROVIDE THAT A PERSON WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER MAY PETITION THE COURT TO TERMINATE THE REGISTRATION REQUIREMENT TEN YEARS FROM THE DATE OF INITIAL REGISTRATION UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 23‑3‑460, AS AMENDED, RELATING TO REQUIRING A SEX OFFENDER TO REGISTER FOR LIFE, SO AS TO REDUCE THE MAXIMUM PERIOD OF REGISTRATION TO FIFTEEN YEARS.

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

SECTION 1. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑560. (A) Notwithstanding another provision of law, ten years from the date of initial registration, a person required to register under this article may petition the circuit court to terminate the lifetime registration requirement if the person has not been convicted of a subsequent offense requiring registration under this article. If the reportable conviction is for an offense that occurred in South Carolina, the petition must be filed in the county where the offense occurred. If the reportable conviction is for an offense that occurred in another state, the petition must be filed in the county where the person resides. A person who petitions to terminate the registration requirement for a reportable conviction that is an out‑of‑state offense also shall:

(1) provide written notice to the sheriff of the county where he was convicted that he is petitioning the court to terminate the registration requirement; and

(2) include with the petition at the time of its filing, an affidavit, signed by the petitioner, that verifies that he has notified the sheriff of the county where he was convicted of the petition and that provides the mailing address and contact information for the sheriff.

(B) The court may grant the relief if:

(1) the petitioner demonstrates to the court that he has not been arrested for any crime that would require registration under this article since completing his sentence; and

(2) the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the termination of a registration requirement or required to be met as a condition for the receipt of federal funds by the State; and

(3) the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety.

(C) The solicitor in the circuit in which the petition is filed must be given notice of the petition at least three weeks before the hearing on the matter. The petitioner may present evidence in support of the petition and the solicitor may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied.

(D) If the court denies the petition, the person may again petition the court for relief in accordance with this section one year from the date of the denial of the original petition to terminate the registration requirement. If the court grants the petition to terminate the registration requirement, the clerk of court shall forward a certified copy of the order to SLED to have the person’s name removed from the registry.

(E) If there is a subsequent offense, SLED’s registration records must be retained until the registration requirement for the subsequent offense is terminated by the court under subsection (A).”

SECTION 2. Section 23‑3‑460(A) of the 1976 Code, as last amended by Act 212 of 2010, is further amended to read:

“(A) A person required to register pursuant to this article is required to register biannually for ~~life~~ fifteen years. 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 at the sheriff’s department in each county where he resides, 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.”

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

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