**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4868**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Introduced in the House on January 26, 2022

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

Summary: Sentencing - Costs on the Record

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2022 House Introduced and read first time ([House Journal‑page 33](file:///h:\hj\20220126.docx))

1/26/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 33](file:///h:\hj\20220126.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4868&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/26/2022](file:///p:\pprever\2021-22\4868_20220126.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑7‑335 SO AS TO REQUIRE CIRCUIT SOLICITORS TO PREPARE COST‑ANALYSIS SENTENCING REPORTS REGARDING SENTENCING RECOMMENDATIONS PRIOR TO SENTENCING OF OFFENDERS CONVICTED OF OR WHO PLEAD GUILTY TO GENERAL SESSIONS’ COURT OFFENSES, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES SHALL PROVIDE THE CURRENT COSTS OF INCARCERATION AND PROBATION AND COMMUNITY SUPERVISION TO THE PROSECUTION COORDINATION COMMISSION, RESPECTIVELY, AND TO PROVIDE THAT THE PROSECUTION COORDINATION COMMISSION SHALL PROVIDE THE UPDATED COSTS TO EACH CIRCUIT SOLICITOR WITHIN A CERTAIN TIMEFRAME.

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

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

“Section 1‑7‑335. (A) Each circuit solicitor, or his designee, shall prepare a cost‑analysis sentencing report prior to sentencing of every offender who is convicted of or pleads guilty or nolo contendere to a general sessions’ court offense. The cost‑analysis sentencing report must be in writing and submitted to the court before sentencing and the report must include the cost of incarceration or probation and community supervision, or both as appropriate, associated with the particular sentencing recommendation made by the circuit solicitor or his designee. Such report must be made a part of the record by the court.

(B) Each year on or before January fifteenth, the Department of Corrections and Department of Probation, Parole and Pardon Services shall provide the previous year’s cost of incarceration or probation and community supervision, respectively, to the Prosecution Coordination Commission. The Prosecution Coordination Commission shall provide each circuit solicitor with such updated costs within ten days of receipt from the Department of Corrections and the Department of Probation, Parole and Pardon Services for use in meeting the requirements of this section.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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