**South Carolina General Assembly**

126th Session, 2025-2026

**S. 21**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

Document Path: SMIN-0048MW25.docx

Introduced in the Senate on January 14, 2025

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

Summary: Juvenile Life Without Parole

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Judiciary**

 1/14/2025 Senate Introduced and read first time

 1/14/2025 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/21_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑3‑15 SO AS TO PROHIBIT THE PENALTY OF LIFE IMPRISONMENT FOR ANY INDIVIDUAL WHO IS UNDER THE AGE OF EIGHTEEN AT THE TIME OF COMMITTING AN OFFENSE AND TO PROVIDE MAXIMUM SENTENCES FOR THOSE INDIVIDUALS WHO COMMITTED AN OFFENSE ENUMERATED IN THIS SECTION AS A MINOR BEFORE THE EFFECTIVE DATE OF THE ACT; BY ADDING SECTION 17‑25‑35 SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 17‑25‑45, RELATING TO LIFE SENTENCES FOR CERTAIN CRIMES, SO AS TO PROVIDE FOR REPRESENTATION BY COUNSEL AND TO PROVIDE FACTORS FOR CONSIDERATION BY THE DEPARTMENT; BY ADDING SECTION 63‑19‑1690 SO AS TO PROHIBIT THE USE OF RESTRAINTS, ISOLATION, AND ROOM CONFINEMENT FOR JUVENILE OFFENDERS, WITH EXCEPTIONS; BY AMENDING SECTION 16‑11‑311, RELATING TO FIRST DEGREE BURGLARY, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 17‑25‑20, RELATING TO PUNISHMENT FOR A FELONY WHEN NOT SPECIALLY PROVIDED, SO AS TO PROHIBIT THE USE OF SOLITARY CONFINEMENT FOR A PERSON WHO IS YOUNGER THAN EIGHTEEN; AND BY AMENDING SECTION 24‑13‑100, RELATING TO THE DEFINITION OF NO PAROLE OFFENSE, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑15. Notwithstanding any other provision of law, a court may not sentence a person to death or to “life imprisonment”, as defined in Section 16‑3‑20, who was younger than eighteen years of age at the time of committing the relevant offense.

SECTION 2. Article 1, Chapter 25, Title 17 of the S.C. Code is amended by adding:

 Section 17‑25‑35. (A) Notwithstanding any other provision of law, a court may not sentence a person to life imprisonment without the possibility of parole for an offense if the person was younger than eighteen years of age at the time of committing the offense.

 (B) Notwithstanding any other provision of law, a court may issue a sentence less than the minimum term otherwise required by law for an offense if that person was younger than eighteen years of age at the time of committing the offense.

SECTION 3. Chapter 25, Title 17 of the S.C. Code is amended by adding:

 Section 17‑25‑40. (A) A person who was convicted and sentenced for an offense committed before the person was eighteen years of age and in which the death of another person did not occur, and that was committed before, on, or after the effective date of this act is eligible for release on parole no later than after twenty years of incarceration, including any applicable sentencing enhancements, and including an instance in which multiple sentences are to be served consecutively or concurrently, unless by law the person is eligible for earlier parole.

 (B) A person who was convicted and sentenced for an offense committed before the person was eighteen years of age, in which the death of another person occurred, and that was committed before, on, or after the effective date of this act is eligible for release on parole no later than after twenty‑five years of incarceration, including any applicable sentencing enhancements, unless by law the person is eligible for earlier parole.

 (C) Subsections (A) and (B) apply retroactively to a person whose offense was committed before the person was eighteen years of age, regardless of the original sentences that were imposed.

SECTION 4. Section 17‑25‑45 of the S.C. Code is amended to read:

 Section 17‑25‑45. (A) Notwithstanding any other provision of law, except in cases in which the death penalty is imposed, upon a conviction for a most serious offense as defined by this section, a person must be sentenced to a term of imprisonment for life without the possibility of parole if that person has either:

 (1) one or more prior convictions for:

 (a) a most serious offense; or

 (b) a federal or out‑of‑state conviction for an offense that would be classified as a most serious offense under this section; or

 (2) two or more prior convictions for:

 (a) a serious offense; or

 (b) a federal or out‑of‑state conviction for an offense that would be classified as a serious offense under this section.

 (B) Notwithstanding any other provision of law, except in cases in which the death penalty is imposed, upon a conviction for a serious offense as defined by this section, a person must be sentenced to a term of imprisonment for life without the possibility of parole if that person has two or more prior convictions for:

 (1) a serious offense;

 (2) a most serious offense;

 (3) a federal or out‑of‑state offense that would be classified as a serious offense or most serious offense under this section; or

 (4) any combination of the offenses listed in items (1), (2), and (3) above.

 (C) As used in this section:

 (1) “Most serious offense” means:

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| 67 | 16‑1‑40 | Accessory, for any offense enumerated in this item |
| 8 | 16‑1‑80 | Attempt, for any offense enumerated in this item |
| 9 | 16‑3‑10 | Murder |
| 10 | 16‑3‑29 | Attempted Murder |
| 11 | 16‑3‑50 | Voluntary manslaughter |
| 12 | 16‑3‑85(A)(1) | Homicide by child abuse |
| 13 | 16‑3‑85(A)(2) | Aiding and abetting homicide by child abuse |
| 14 | 16‑3‑210 | Lynching, First degree |
| 15 | 16‑3‑210(B) | Assault and battery by mob, First degree |
| 16 | 16‑3‑620 | Assault and battery with intent to kill |
| 17 | 16‑3‑652 | Criminal sexual conduct, First degree |
| 18 | 16‑3‑653 | Criminal sexual conduct, Second degree |
| 1920212223242526 | 16‑3‑655 | Criminal sexual conduct with minors, except where evidence presented at the criminal proceeding and the court, after the conviction, makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct where the victim was younger than the actor, as contained in Section 16‑3‑655(3) |
| 2728 | 16‑3‑656 | Assault with intent to commit criminal sexual conduct, First and Second degree |
| 29 | 16‑3‑910 | Kidnapping |
| 30 | 16‑3‑920 | Conspiracy to commit kidnapping |
| 31 | 16‑3‑1075 | Carjacking |
| 32 | 16‑3‑2020 | Trafficking in persons |
| 33 | 16‑11‑110(A) | Arson, First degree |
| 34 | 16‑11‑311 | Burglary, First degree |
| 35 | 16‑11‑330(A) | Armed robbery |

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| 1 | 16‑11‑330(B) | Attempted armed robbery |
| 234 | 16‑11‑540 | Damaging or destroying building, vehicle, or other property by means of explosive incendiary, death results |
| 5 | 24‑13‑450 | Taking of a hostage by an inmate |
| 67 | 25‑7‑30 | Giving information respecting national or state defense to foreign contacts during war |
| 8 | 25‑7‑40 | Gathering information for an enemy |
| 910 | 43‑35‑85(F) | Abuse or neglect of a vulnerable adult resulting in death |
| 1112 | 55‑1‑30(3) | Unlawful removing or damaging of airport facility or equipment when death results |
| 131415 | 56‑5‑1030(B)(3) | Interference with traffic‑control devices or railroad signs or signals prohibited when death results from violation |
| 16 | 58‑17‑4090 | Obstruction of railroad, death results. |

 (2) “Serious offense” means:

 (a) any offense which is punishable by a maximum term of imprisonment for thirty years or more which is not referenced in subsection (C)(1);

 (b) those felonies enumerated as follows:

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| 22 | 16‑3‑220 | Lynching, Second degree |
| 23 | 16‑3‑210(C) | Assault and battery by mob, Second degree |
| 2425 | 16‑3‑600(B) | Assault and battery of a high and aggravated nature |
| 26 | 16‑3‑810 | Engaging child for sexual performance |
| 27 | 16‑9‑220 | Acceptance of bribes by officers |
| 2829 | 16‑9‑290 | Accepting bribes for purpose of procuring public office |
| 30 | 16‑11‑110(B) | Arson, Second degree |
| 31 | 16‑11‑312(B) | Burglary, Second degree |
| 3233 | 16‑11‑380(B) | Theft of a person using an automated teller machine |
| 34 | 16‑13‑210(1) | Embezzlement of public funds |
| 35 | 16‑13‑230(B)(3) | Breach of trust with fraudulent intent |

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| --- | --- | --- |
| 12 | 16‑13‑240(1) | Obtaining signature or property by false pretenses |
| 3 | 16‑25‑20(B) | Domestic violence, First degree |
| 45 | 16‑25‑65 | Domestic violence of a high and aggravated nature |
| 6 | 38‑55‑540(3) | Insurance fraud |
| 7 | 44‑53‑370(e) | Trafficking in controlled substances |
| 8 | 44‑53‑375(C) | Trafficking in ice, crank, or crack cocaine |
| 91011 | 44‑53‑445(B)(1)&amp;(2) | Distribute, sell, manufacture, or possess with intent to distribute controlled substances within proximity of school |
| 1213 | 56‑5‑2945 | Causing death by operating vehicle while under influence of drugs or alcohol; and |

 (c) the offenses enumerated below:

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| 1617 | 16‑1‑40 | Accessory before the fact for any of the offenses listed in subitems (a) and (b) |
| 1819 | 16‑1‑80 | Attempt to commit any of the offenses listed in subitems (a) and (b) |
| 2021 | 43‑35‑85(E) | Abuse or neglect of a vulnerable adult resulting in great bodily injury. |

 (3) “Conviction” means any conviction, guilty plea, or plea of nolo contendere.

 (D) Except as provided in this subsection or subsection (E), no person sentenced pursuant to this section shall be eligible for early release or discharge in any form, whether by parole, work release, release to ameliorate prison overcrowding, or any other early release program, nor shall they be eligible for earned work credits, education credits, good conduct credits, or any similar program for early release. A person is eligible for work release if the person is sentenced for voluntary manslaughter (Section 16‑3‑50), kidnapping (Section 16‑3‑910), carjacking (Section 16‑3‑1075), burglary in the second degree (Section 16‑11‑312(B)), armed robbery (Section 16‑11‑330(A)), or attempted armed robbery (Section 16‑11‑330(B)), the crime did not involve any criminal sexual conduct or an additional violent crime as defined in Section 16‑1‑60, and the person is within three years of release from imprisonment.

 (E) For the purpose of this section only, a person sentenced pursuant to this section may be paroled if:

 (1)(a) the Department of Corrections requests the Department of Probation, Parole and Pardon

Services to consider the person for parole; and

 ~~(2)~~(b) the Department of Probation, Parole and Pardon Services determines that due to the person's health or age he is no longer a threat to society; and

 ~~(a)~~(c)(i) the person has served at least thirty years of the sentence imposed pursuant to this section and has reached at least sixty‑five years of age; or

 ~~(b)~~(ii) the person has served at least twenty years of the sentence imposed pursuant to this section and has reached at least seventy years of age; or

 ~~(c)~~(iii) the person is afflicted with a terminal illness where life expectancy is one year or less; or

 ~~(d)~~(iv) the person can produce evidence comprising the most extraordinary circumstances.; and

 (2) the person was younger than eighteen years of age at the time of committing the relevant offense.

 (F) For the purpose of determining a prior or previous conviction under this section and Section 17‑25‑50, a prior or previous conviction shall mean the defendant has been convicted of a most serious or serious offense, as may be applicable, on a separate occasion, prior to the instant adjudication. There is no requirement that the sentence for the prior or previous conviction must have been served or completed before a sentence of life without parole can be imposed under this section.

 (G) The decision to invoke sentencing under this section is in the discretion of the solicitor.

 (H) Where the solicitor is required to seek or determines to seek sentencing of a defendant under this section, written notice must be given by the solicitor to the defendant and defendant's counsel not less than ten days before trial.

 (I) A person who was younger than eighteen years of age at the time of committing an offense and who is eligible for parole pursuant to subsection (E)(2) is entitled to representation by counsel. If the person cannot afford counsel, then the court of original sentencing jurisdiction shall appoint a public defender to represent the person.

 (J) In determining if it is appropriate to grant a person parole pursuant to subsection (E)(2), the Department of Probation, Parole and Pardon Services shall consider any factor it deems appropriate, including all of the following:

 (1) the person’s age at the time of the offense;

 (2) the nature of the offense and the history and characteristics of the person;

 (3) whether the person has substantially complied with the rules of the institution to which the person has been confined and whether the person has completed any educational, vocational, or other program, if available;

 (4) whether the person has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;

 (5) any statement, provided orally or in writing, by a victim of the offense for which the person is imprisoned, or by a family member of the victim if the victim is deceased;

 (6) any report from a physical, mental, or psychiatric examination of the person conducted by a licensed health care professional;

 (7) the person’s family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

 (8) the extent of the person’s role in the offense and whether and to what extent an adult was involved in the offense; and

 (9) the diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing juveniles to a lifetime in prison.

SECTION 5. Article 15, Chapter 19, Title 63 of the S.C. Code is amended by adding:

 Section 63‑19‑1690. Mechanical or chemical restraint, isolation, or room confinement only may be used to ensure the immediate safety of an individual or others if no less restrictive intervention has been, or is likely to be, effective in averting danger. Mechanical or chemical restraint, isolation, or room confinement must never be used for coercion, retaliation, or humiliation; as a threat or form of punishment; in lieu of adequate staffing; as a replacement for active treatment; for staff convenience; or for property damage not involving imminent danger.

SECTION 6. Section 16‑11‑311(B) of the S.C. Code is amended to read:

 (B) Burglary in the first degree is a felony punishable by life imprisonment. For purposes of this section, “life” means until death. The court, in its discretion, may sentence the defendant to a term of not less than fifteen years. The court may not sentence a person to “life”, as defined in this section, who was younger than eighteen years of age at the time of committing the offense.

SECTION 7. Section 17‑25‑20 of the S.C. Code is amended to read:

 Section 17‑25‑20. When no special punishment is provided for a felony, it shall, at the discretion of the court, be by one or more of the following modes, to wit: Confinement in the Penitentiary or in a workhouse or penal farm, when such institutions shall exist, for a period of not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed. Solitary confinement may not be directed for a person who is younger than eighteen years of age.

SECTION 8. Section 24‑13‑100 of the S.C. Code is amended to read:

 Section 24‑13‑100. For purposes of definition under South Carolina law, a “no parole offense” means a class A, B, or C felony or an offense exempt from classification as enumerated in Section 16‑1‑10(d), which is punishable by a maximum term of imprisonment for twenty years or more, unless the offense was committed by a person who was younger than eighteen years of age at the time of committing the relevant offense.

SECTION 9. This act takes effect upon approval by the Governor.

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