**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3749**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rose

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Introduced in the House on January 15, 2025

Currently residing in the House

Summary: Diversion Program for Autism Spectrum Disorder and Intellectual Disabilities

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/15/2025 House Introduced and read first time (House Journal‑page 54)

 1/15/2025 House Referred to Committee on **Judiciary** (House Journal‑page 54)

 1/29/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3749_20250115.docx)

[01/29/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3749_20250129.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 22, TITLE 17 SO AS TO ENTITLE THE ARTICLE “AUTISM SPECTRUM DISORDERS AND INTELLECTUAL DISABILITIES PRETRIAL INTERVENTION PROGRAM,” TO DEFINE NECESSARY TERMS, AND TO PROVIDE PROCEDURES FOR PERSONS DIAGNOSED WITH AUTISM SPECTRUM DISORDERS OR INTELLECTUAL DISABILITIES WHO COMMIT CERTAIN CRIMES TO PARTICIPATE IN PRETRIAL INTERVENTION PROGRAMS, AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Chapter 22, Title 17 of the S.C. Code is amended by adding:

Article 8

Autism Spectrum Disorders and Intellectual Disabilities Pretrial Intervention Program

 Section 17-22-810. As used in this article, the term:

 (1) “Autism spectrum disorder” means as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

 (2) “Intellectual disability” means a disability, originating before the age of eighteen years, characterized concurrently by:

 (a) significant subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean; and

 (b) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.

 Section 17-22-820. (A) A person charged with a crime, except a violent crime as defined in Section 16-1-60, who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder or an intellectual disability if the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person’s disorder or disability, without entering a judgment of guilt and with the consent of the offender and the circuit solicitor, the court may defer further proceedings and place the offender in the pretrial intervention program subject to the provisions of Article 1 and terms and conditions set by the court, including application and participation fees provided in Section 17-22-110. Due consideration must be given to any victim of the crime before an offender may be ordered to participate in a pretrial intervention program as provided in Section 17-22-80.

 (B) The provisions of Section 17-22-150 govern the procedures following successful completion of, or violation of, a pretrial intervention program pursuant to the provisions of this article.

 (C) Notwithstanding any other provision of law and unless the court finds that the pretrial intervention program pursuant to the provisions of this article is inconsistent with the interests of justice regarding a particular offender, an offender is eligible to participate in a program even though he has previously been convicted of a criminal offense, been adjudicated delinquent as a juvenile, or previously participated in a pretrial intervention program pursuant to this article or any other provision of law.

 (D) Nothing in this article may be construed to limit the authority of the family court with competent jurisdiction over the offense or the offender.

SECTION 2. This act takes effect upon approval by the Governor.

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