

## Session 113 - (1999-2000)

### H 3180 General Bill, By Klauber, Fleming and Hawkins

#### *Similar (S 0284)*

**Summary:** Sexually violent predators, notification of release; Crimes and Offenses, Sex, Mental Health, Minors, Juveniles

A BILL TO AMEND SECTION 44-48-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SEXUALLY VIOLENT PREDATORS, SO AS TO PROVIDE THAT THE AGENCY WITH JURISDICTION SHALL GIVE WRITTEN NOTICE TO THE MULTIDISCIPLINARY TEAM AND THE ATTORNEY GENERAL'S OFFICE AT LEAST ONE HUNDRED AND EIGHTY DAYS PRIOR TO THE PERSON'S ANTICIPATED RELEASE DATE, TO FURTHER PROVIDE THAT FOR A PERSON UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE WHO IS INDEFINITELY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH FOR THE TREATMENT OF A SERIOUS EMOTIONAL DISTURBANCE, NOTICE SHALL BE PROVIDED AT LEAST ONE HUNDRED EIGHTY DAYS BEFORE THE JUVENILE'S ANTICIPATED RELEASE DATE, AND TO PROVIDE THAT REQUIREMENTS OF CERTAIN PROVISIONS ARE NOT JURISDICTIONAL AND FAILURE TO COMPLY WITH THEM DOES NOT PROHIBIT THE ATTORNEY GENERAL FROM PROCEEDING AGAINST A PERSON WHO MAY BE SUBJECT TO CHAPTER 48; TO AMEND SECTION 44-48-50, SO AS TO PROVIDE THAT CERTAIN RECORDS MUST BE GIVEN TO THE MULTIDISCIPLINARY TEAM WHEN THE AGENCY WITH JURISDICTION GIVES NOTICE AND TO PROVIDE THAT REQUIREMENTS OF CERTAIN PROVISIONS ARE NOT JURISDICTIONAL AND FAILURE TO COMPLY WITH THEM DOES NOT PROHIBIT THE ATTORNEY GENERAL FROM PROCEEDING AGAINST A PERSON WHO MAY BE SUBJECT TO CHAPTER 48; TO AMEND SECTION 44-48-60, SO AS TO PROVIDE THAT REQUIREMENTS OF CERTAIN PROVISIONS ARE NOT JURISDICTIONAL AND FAILURE TO COMPLY WITH THEM DOES NOT PROHIBIT THE ATTORNEY GENERAL FROM PROCEEDING AGAINST A PERSON WHO MAY BE SUBJECT TO CHAPTER 48; TO AMEND SECTION 44-48-70, SO AS TO PROVIDE THAT THE STATE OF SOUTH CAROLINA OR A PERSON ACTING ON BEHALF OF THE STATE DOES NOT HAVE TO PAY FILING FEES FOR PROCEEDINGS BROUGHT UNDER CHAPTER 48, AND TO PROVIDE THAT REQUIREMENTS OF CERTAIN PROVISIONS ARE NOT JURISDICTIONAL AND FAILURE TO COMPLY WITH THEM DOES NOT PROHIBIT THE ATTORNEY GENERAL FROM PROCEEDING AGAINST A PERSON WHO MAY BE SUBJECT TO CHAPTER 48; TO AMEND SECTION 44-48-80, SO AS TO PROVIDE THAT THE STATE MAY USE HEARSAY EVIDENCE IN THE PROBABLE CAUSE HEARING; TO AMEND SECTION 44-48-90, SO AS TO PROVIDE THAT THE VOLUNTARY EXCHANGE OF INFORMATION BETWEEN PARTIES IS ENCOURAGED BUT FORMAL DEPOSITIONS AND DISCOVERY MAY BE CONDUCTED; AND TO ADD SECTION 44-48-180 SO AS TO PROVIDE THAT A SEXUALLY VIOLENT PREDATOR WHO IS SUBSEQUENTLY CONVICTED OF A CRIMINAL OFFENSE AND SENTENCED TO INCARCERATION, UPON SERVING SUCH SENTENCE, SHALL BE RETURNED TO THE APPROPRIATE FACILITY FOR THE TREATMENT OF SEXUALLY VIOLENT PREDATORS.

01/06/99 House Prefiled

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01/12/99 House Introduced and read first time HJ-67

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