

## Session 116 - (2005-2006)

**H 4309 General Bill, By White, Clark, Bailey, Altman, G.R. Smith, Loftis, Moody-Lawrence, Toole and Mahaffey**

**Summary:** Sex Offender Electronic Monitoring Act of 2006

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SEX OFFENDER ELECTRONIC MONITORING ACT OF 2006"; BY ADDING SECTION 16-3-760 SO AS TO PROVIDE ADDITIONAL FACTORS FOR THE COURT TO CONSIDER WHEN CONSIDERING RELEASE OF A PERSON ON BOND WHO IS CHARGED WITH CERTAIN OFFENSES WHICH WOULD REQUIRE THE PERSON TO REGISTER ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 16-3-20, AS AMENDED, RELATING TO PUNISHMENT FOR MURDER, SO AS TO ADD TO THE LIST OF AGGRAVATING CIRCUMSTANCES THAT THE MURDER WAS COMMITTED BY A PERSON DEEMED A SEXUALLY VIOLENT PREDATOR; TO AMEND SECTION 16-3-652, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, SO AS TO REVISE THE PENALTY FOR A PERSON CONVICTED OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE SO AS TO PROVIDE FOR A MANDATORY MINIMUM PENALTY OF TWENTY-FIVE YEARS OR IMPRISONMENT FOR LIFE; TO AMEND SECTION 16-3-655, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR, SO AS TO INCREASE THE PENALTY FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE, TO INCREASE THE AGE OF THE VICTIM FROM NOT LESS THAN ELEVEN TO NOT LESS THAN THIRTEEN YEARS OF AGE FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE, AND TO ADJUST THE AGE OF THE VICTIM ACCORDINGLY FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE; TO AMEND SECTION 16-3-910, RELATING TO KIDNAPPING, SO AS TO CREATE THE OFFENSE OF KIDNAPPING A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND TO PROVIDE A PENALTY; TO AMEND SECTION 23-3-460, AS AMENDED, RELATING TO ANNUAL REGISTRATION FOR LIFE FOR PURPOSES OF THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE FOR REGISTRATION EVERY SIX MONTHS RATHER THAN ANNUALLY; TO AMEND SECTION 23-3-530, RELATING TO THE PROTOCOL MANUAL DEVELOPED BY THE STATE LAW ENFORCEMENT DIVISION FOR THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE CERTAIN NONEXCLUSIVE REQUIREMENTS THAT MUST BE INCLUDED IN THE PROTOCOL MANUAL; TO AMEND SECTION 23-3-540, RELATING TO ACTIVE ELECTRONIC MONITORING REQUIREMENTS FOR CERTAIN SEX OFFENDERS, SO AS TO EXPAND THE REQUIREMENTS TO ALL OFFENDERS REQUIRED TO BE REGISTERED ON THE SEX OFFENDER REGISTRY, TO PROVIDE A DEFINITION FOR THE TERM "ACTIVE ELECTRONIC MONITORING DEVICE", AND TO DIRECT THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO EMPLOY A COMPETITIVE BIDDING PROCESS WHEN OBTAINING ACTIVE ELECTRONIC MONITORING DEVICES; AND TO AMEND SECTION 23-3-550, RELATING TO THE OFFENSE OF WILFULLY PROTECTING, HARBORING, OR CONCEALING A PERSON WHO IS REQUIRED TO BE REGISTERED ON THE SEX OFFENDER REGISTRY, SO AS TO EXPAND THE DEFINITION OF THE OFFENSE AND INCLUDE PROVIDING FALSE INFORMATION TO A LAW ENFORCEMENT AGENCY.

**11/16/05 House Prefiled**

**11/16/05 House Referred to Committee on Judiciary**

**01/10/06 House Introduced and read first time HJ-24**

**01/10/06 House Referred to Committee on Judiciary HJ-26**