**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3021**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and King

Document Path: l:\council\bills\ms\7038ahb09.docx

Companion/Similar bill(s): 3030

Introduced in the House on January 13, 2009

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

Summary: Armed robbery

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑24

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑24

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3021_20081209.docx)

**A** **BILL**

TO AMEND SECTION 16‑11‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ARMED ROBBERY, SO AS TO ALLOW A PERSON UNDER THE AGE OF TWENTY‑ONE WHO COMMITS ARMED ROBBERY TO RECEIVE A YOUTHFUL OFFENDER SENTENCE NOT BELOW A MINIMUM OF THREE YEARS; AND TO AMEND SECTION 24‑19‑10, RELATING TO DEFINITIONS FOR PURPOSES OF THE YOUTHFUL OFFENDER ACT, SO AS TO REVISE THE DEFINITION OF YOUTHFUL OFFENDER TO INCLUDE PERSONS WHO COMMIT A BROADER RANGE OF CRIMINAL OFFENSES.

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

SECTION 1. Section 16‑11‑330 of the 1976 Code is amended to read:

“Section 16‑11‑330. (A) A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he ~~was~~is armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably ~~believed~~believes to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum term of not less than ten years or more than thirty years, no part of which may be suspended or probation granted. ~~A~~Except as provided in this subsection, a person convicted ~~under~~pursuant to this subsection is not eligible for parole until the person has served at least seven years of the sentence.

(1) A person under the age of twenty‑one sentenced pursuant to the provisions of Chapter 19 of Title 24, Youthful Offender Act, convicted of armed robbery shall receive and serve a minimum sentence of at least three years, no part of which may be suspended. The person is not eligible for parole or probation until he has served a three‑year minimum sentence.

(2) A person between the ages of twenty‑one and twenty‑five who is convicted of armed robbery may not be sentenced pursuant to the provisions of Chapter 19 of Title 24, Youthful Offender Act.

(B) A person who commits attempted robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he ~~was~~is armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably ~~believed~~believes to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.”

SECTION 2. Section 24‑19‑10 of the 1976 Code is amended to read:

“Section 24‑19‑10. As used ~~herein~~in this chapter:

~~(a)~~(1) ‘Department’ means the Department of Corrections.

~~(b)~~(2) ‘Division’ means the Youthful Offender Division.

~~(c)~~(3) ‘Director’ means the Director of the Department of Corrections.

~~(d)~~(4) ‘Youthful offender’ means an offender who is:

~~(i)~~(a) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 20‑7‑7605 for allegedly committing ~~an~~ a criminal offense~~that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, as defined in Section 16‑1‑20, or a felony which provides for a maximum term of imprisonment of fifteen years or less~~, except as specifically excluded pursuant to item (6); or

~~(ii)~~(b) seventeen but less than twenty‑five years of age at the time of conviction for ~~an~~a criminal offense~~that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less~~, except as specifically excluded pursuant to item (6).

~~(e)~~(5) ‘Treatment’ means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youthful offenders; this may also include vocational and other training considered appropriate and necessary by the division.

~~(f)~~(6) ‘Conviction’ means a judgment in a verdict or finding of guilty, plea of guilty, or plea of nolo contendere to a criminal charge ~~where~~when the imprisonment is at least one year, but excluding:

(i) all offenses in which the maximum punishment provided by law is death or life imprisonment;

(ii) manslaughter as defined in Section 16‑3‑50;

(iii) criminal sexual conduct in the first degree as defined in Section 16‑3‑652;

(iv) criminal sexual conduct in the second degree as defined in Section 16‑3‑653;

(v) criminal sexual conduct in the third degree as defined in Section 16‑3‑654; and

(vi) criminal sexual conduct with a minor in any degree as defined in Section 16‑3‑655.”

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

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