**South Carolina General Assembly**

118th Session, 2009-2010

**S. 726**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fair

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Introduced in the Senate on April 21, 2009

Currently residing in the Senate Committee on **Corrections and Penology**

Summary: Department of Probation, Pardon and Parole

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/21/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-21-09.docx)‑7

4/21/2009 Senate Referred to Committee on **Corrections and Penology** [SJ](file:///h:\SJ%20Archive\2009\04-21-09.docx)‑7

**VERSIONS OF THIS BILL**

[4/21/2009](file:///p:\pprever\2009-10\726_20090421.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑100 SO AS TO PROVIDE THAT IN THE EVENT THAT THE DEPARTMENT OF PROBATION, PARDON AND PAROLE SERVICES LACKS SUFFICIENT FUNDS TO OPERATE THE PAROLE SYSTEM, THE DEPARTMENT AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES JOINTLY MAY DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND COOPERATIVE AGREEMENTS TO IMPLEMENT EARLY PAROLE TERMINATION FOR CAREFULLY SCREENED AND SELECTED PAROLEES WHO HAVE SERVED A MINIMUM OF THREE MONTHS AND HAVE SATISFIED THEIR RESTITUTION OBLIGATIONS AND FINE, FEE, AND ASSESSMENT REQUIREMENTS, TO PROVIDE PAROLEE MAY NOT BE CONSIDERED FOR THIS EARLY PAROLE TERMINATION IF HE HAS BEEN CONVICTED OF CERTAIN CRIMES; AND BY ADDING SECTION 24‑21‑110 SO AS TO PROVIDE IN THE EVENT THAT THE DEPARTMENT LACKS SUFFICIENT FUNDS TO OPERATE THE PROBATION SYSTEM, THE DEPARTMENT AND THE DIVISION OF COURT ADMINISTRATION JOINTLY MAY DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND COOPERATIVE AGREEMENTS TO IMPLEMENT EARLY PROBATION TERMINATION FOR CAREFULLY SCREENED AND SELECTED PROBATIONERS WHO HAVE SERVED A MINIMUM OF THREE MONTHS AND HAVE SATISFIED THEIR RESTITUTION OBLIGATIONS AND FINE, FEE, AND ASSESSMENT REQUIREMENTS, TO PROVIDE THE DEPARTMENT MUST PETITION THE COURT OF APPROPRIATE JURISDICTION FOR CONSIDERATION OF THE EARLY TERMINATION OF PROBATION AND THIS COURT SHALL RETAIN FINAL DISCRETION IN THE MATTER, AND TO PROVIDE A PROBATIONER MAY NOT BE CONSIDERED FOR EARLY PROBATION TERMINATION IF HE HAS BEEN CONVICTED OF CERTAIN CRIMES.

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

SECTION 1. Article 1, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24‑21‑100. (A) In the event that the department lacks sufficient funds to operate the parole system, the department and the Board of Probation, Parole and Pardon Services jointly may develop policies, procedures, guidelines, and cooperative agreements to implement early parole termination for carefully screened and selected parolees who have served a minimum of three months and have satisfied their restitution obligations and fine, fee, and assessment requirements.

(B) A parolee may not be considered for early parole termination under this section if he has been convicted of a violent crime as defined in Section 16‑1‑160, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of committing or attempting to commit a lewd act upon a child as defined in Section 16‑15‑140.”

SECTION 2. Article 1, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24‑21‑110. (A) In the event that the department lacks sufficient funds to operate the probation system, the department and the Division of Court Administration jointly may develop policies, procedures, guidelines, and cooperative agreements to implement early probation termination for carefully screened and selected probationers who have served a minimum of three months and have satisfied their restitution obligations and fine, fee, and assessment requirements.

(B) The department must petition the court of appropriate jurisdiction for consideration of the early termination of probation. This court shall retain final discretion in the matter.

(C) A probationer may not be considered for early probation termination under this section if he has been convicted of a violent crime as defined in Section 16‑1‑160, a ‘no parole offense’ as defined in Section 24‑13‑100, the crime of criminal sexual conduct in the third degree as defined in Section 16‑3‑654, or the crime of committing or attempting to commit a lewd act upon a child as defined in Section 16‑15‑140.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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