**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4603**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and McCoy

Document Path: l:\council\bills\ms\7662ahb12.docx

Introduced in the House on January 17, 2012

Introduced in the Senate on March 21, 2012

Last Amended on March 20, 2012

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

Summary: Pretrial intervention program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/17/2012 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj%20archive\2012\01-17-12.docx))

1/17/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 7](file:///h:\hj%20archive\2012\01-17-12.docx))

2/29/2012 House Member(s) request name added as sponsor: McCoy

3/7/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 6](file:///h:\hj%20archive\2012\03-07-12.docx))

3/20/2012 House Amended ([House Journal‑page 63](file:///h:\hj%20archive\2012\03-20-12.docx))

3/20/2012 House Read second time ([House Journal‑page 63](file:///h:\hj%20archive\2012\03-20-12.docx))

3/20/2012 House Roll call Yeas‑107 Nays‑3 ([House Journal‑page 63](file:///h:\hj%20archive\2012\03-20-12.docx))

3/21/2012 House Read third time and sent to Senate ([House Journal‑page 7](file:///h:\hj%20archive\2012\03-21-12.docx))

3/21/2012 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj%20archive\2012\03-21-12.docx))

3/21/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\sj%20archive\2012\03-21-12.docx))

3/27/2012 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

**VERSIONS OF THIS BILL**

[1/17/2012](file:///p:\pprever\2011-12\4603_20120117.docx)

[3/7/2012](file:///p:\pprever\2011-12\4603_20120307.docx)

[3/20/2012](file:///p:\pprever\2011-12\4603_20120320.docx)

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Indicates New Matter

AMENDED

March 20, 2012

**H. 4603**

Introduced by Reps. Rutherford and McCoy

S. Printed 3/20/12--H.

Read the first time January 17, 2012.

**A** **BILL**

TO AMEND SECTION 17‑22‑50, AS AMENDED, AND SECTION 17‑22‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR’S CONSENT.

Amend Title To Conform

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

SECTION 1. Section 17‑22‑50 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 17‑22‑50. (A) A person must not be considered for intervention if:

(1) he previously has been accepted into an intervention program unless the solicitor, in his discretion, consents to allow the offender to participate in a pretrial intervention program more than once; ~~or~~

(2) he has previously been accepted into a pretrial intervention program for an offense contained in Chapter 25, Title 16; or

(3) the person is charged with:

(a) blackmail;

(b) driving under the influence or driving with an unlawful alcohol concentration;

(c) a traffic‑related offense which is punishable only by fine or loss of points;

(d) a fish, game, wildlife, or commercial fishery‑related offense which is punishable by a loss of eighteen points as provided in Section 50‑9‑1020;

(e) a crime of violence as defined in Section 16‑1‑60; or

(f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.”

SECTION 2. Section 17‑22‑60 of the 1976 Code is amended to read:

“Section 17‑22‑60. Intervention is appropriate only where:

(1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program;

(2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process;

(3) it is apparent that the offender poses no threat to the community;

(4) it appears that the offender is unlikely to be involved in further criminal activity;

(5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;

(6) the offender has no significant history of prior delinquency or criminal activity;

(7) the offender has not previously been accepted in a pretrial intervention program unless the solicitor, in his discretion, consents to allow the offender to participate in a pretrial intervention program more than once;

(8) the offender has not previously been accepted into a pretrial intervention program for an offense contained in Chapter 25, Title 16.”

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

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