**A** **BILL**

TO AMEND SECTION 24-21-910, RELATING TO REPRIEVES AND COMMUTATION OF DEATH SENTENCES, TO PROVIDE THAT THE PROBATION, PAROLE, AND PARDON SERVICES BOARD MAY NOT RECOMMEND TO THE GOVERNOR THAT AN ALIEN UNLAWFULLY IN THE UNITED STATES SHOULD BE GRANTED A REPRIEVE OR COMMUTATION OF HIS SENTENCE; TO AMEND SECTION 24-21-920, RELATING TO CLEMENCY IN OTHER CASES, TO PROVIDE THAT ALIENS UNLAWFULLY IN THE UNITED STATES MAY NOT BE GRANTED CLEMENCY; AND TO AMEND SECTION 24-21-950, RELATING TO GUIDELINES FOR DETERMINING THE ELIGIBILITY OF A PARDON, TO PROVIDE THAT AN ALIEN UNLAWFULLY IN THE UNITED STATES IS NOT ELIGIBLE TO BE PARDONED.

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

SECTION 1. Sections 24‑21‑910 and 24-21-920 of the 1976 Code are amended to read:

“Section 24‑21‑910. The Probation, Parole, and Pardon Services Board shall consider all petitions for reprieves or the commutation of a sentence of death to life imprisonment which may be referred to it by the Governor and shall make its recommendations to the Governor regarding the petitions. The board may not recommend a reprieve or commutation for an alien unlawfully in the United States. The Governor may or may not adopt the recommendations but in case he does not he shall submit his reasons for not doing so to the General Assembly. The Governor may act on any petition without reference to the board.

Section 24‑21‑920. In all other cases than those referred to in Section 24‑21‑910 the right of granting clemency shall be vested in the ~~Board~~ board; provided, however, that the board may not grant clemency to an alien unlawfully in the United States.”

SECTION 3. Section 24‑21‑950 of the 1976 Code is amended by adding:

“(C) An alien unlawfully in the United States is not eligible to be pardoned under any circumstances.”

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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