**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3130**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\swb\5165cm15.docx

Introduced in the House on January 13, 2015

Introduced in the Senate on March 22, 2016

Last Amended on March 17, 2016

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

Summary: Home Detention Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 108](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 108](file:///h:\HJ%20Archive\2015\01-13-15.docx))

3/10/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 31](file:///h:\HJ%20Archive\2016\03-10-16.docx))

3/16/2016 House Debate adjourned until Thur., 3‑17‑16 ([House Journal‑page 93](file:///h:\HJ%20Archive\2016\03-16-16.docx))

3/17/2016 House Amended ([House Journal‑page 26](file:///h:\HJ%20Archive\2016\03-17-16.docx))

3/17/2016 House Read second time ([House Journal‑page 26](file:///h:\HJ%20Archive\2016\03-17-16.docx))

3/17/2016 House Roll call Yeas‑97 Nays‑0 ([House Journal‑page 28](file:///h:\HJ%20Archive\2016\03-17-16.docx))

3/17/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 29](file:///h:\HJ%20Archive\2016\03-17-16.docx))

3/18/2016 House Read third time and sent to Senate ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\03-18-16.docx))

3/22/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\03-22-16.docx))

3/22/2016 Senate Referred to Committee on **Corrections and Penology** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\03-22-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3130&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3130_20141211.docx)

[3/10/2016](file:///p:\pprever\2015-16\3130_20160310.docx)

[3/17/2016](file:///p:\pprever\2015-16\3130_20160317.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

March 17, 2016

**H. 3130**

Introduced by Rep. Rutherford

S. Printed 3/17/16--H.

Read the first time January 13, 2016.

**A** **BILL**

TO AMEND SECTION 24‑13‑1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOME DETENTION ACT’S NONAPPLICABILITY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS AND ITS IMPACT ON THE AUTHORITY OF THE COURTS, DEPARTMENT OF JUVENILE JUSTICE, OR THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO REGULATE OR IMPOSE CONDITIONS FOR PROBATION, PAROLE, OR COMMUNITY SERVICE, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT THE HOME DETENTION ACT DOES NOT APPLY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS, AND TO MAKE A TECHNICAL CHANGE.

Amend Title To Conform

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

SECTION 1. Section 24‑13‑1530 of the 1976 Code is amended to read:

“Section 24-13-1530. (A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, ~~nonviolent~~ adult and juvenile offenders who have been charged with or convicted of a crime other than those listed in Section 16‑1‑60, with the exception of a drug trafficking offense that carries a maximum sentence of up to ten years but not trafficking methamphetamine, provided they are monitored by a GPS tracking device and bear the cost of the GPS, as selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

(1) pretrial or preadjudicatory detention;

(2) probation (intensive supervision);

(3) community corrections (diversion);

(4) parole (early release);

(5) work release;

(6) institutional furlough;

(7) jail diversion; or

(8) shock incarceration.

(B) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24‑9‑20 and enforced pursuant to Section 24‑9‑30.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑