**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑975 SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES, IT IS UNLAWFUL TO POSSES WITHIN OR INTRODUCE UPON THE GROUNDS OF A CORRECTIONAL FACILITY A TELECOMMUNICATION DEVICE, TO DEFINE THE TERM “TELECOMMUNICATION DEVICE”, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE THE COURTS IN WHICH A VIOLATION OF THIS PROVISION MUST BE ADJUDICATED.

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

SECTION 1. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑975. (A) Except as authorized by the responsible official in charge of the correctional institution, it is unlawful to possess within or to introduce into or upon the grounds of any state correctional institution, county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, any portable or nonportable telecommunication device.

(B) For purposes of this section, ‘telecommunication device’ is defined as a device, an apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person inside or outside of a place of incarceration. Such devices include, but are not limited to, portable two‑way pagers, handheld radios, cellular telephones, Blackberry‑type devices, personal digital assistants or PDA’s, laptop computers, or any components of these devices. ‘Telecommunication device’ also includes any new technology that is developed or used for similar purposes.

(C) A person who violates the provisions of this section:

(1) for a first offense, when the number of telecommunication devices seized is less than three, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, regardless of the number of telecommunication devices seized, or a first offense when the number of telecommunication devices seized is more than two, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not less than six months, or both; and

(3) for a third or subsequent offense, regardless of the number of telecommunication devices seized, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year, or both.

(D) Notwithstanding another provision of law, a person charged with a violation of subsection (C)(1) or (2) must be tried exclusively in magistrates court while a person charged with a violation of subsection (C)(3) must be tried exclusively in circuit court.”

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

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