**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3322**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts, Rutherford, G.M. Smith, Murphy, McCoy, Weeks, Clyburn, Hosey, Gilliard, Jefferson, Willis, Henegan, Erickson, Bamberg, Henderson‑Myers, Cobb‑Hunter, Davis, Stavrinakis, Rivers, Alexander, Thigpen, Robinson, Govan, S. Williams and Wheeler

Document Path: l:\council\bills\bh\7076ahb19.docx

Introduced in the House on January 8, 2019

Currently residing in the House

Summary: Sentencing Reform

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 172](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 172](file:///h:\hj\20190108.docx))

1/9/2019 House Member(s) request name added as sponsor: Gilliard, Jefferson

1/15/2019 Scrivener's error corrected

1/15/2019 House Member(s) request name added as sponsor: Willis

1/29/2019 House Member(s) request name added as sponsor: Henegan, Erickson, Bamberg

1/31/2019 House Member(s) request name added as sponsor: Henderson‑Myers

2/5/2019 House Member(s) request name added as sponsor: Cobb‑Hunter

2/12/2019 House Member(s) request name added as sponsor: Davis

2/20/2019 House Member(s) request name removed as sponsor: Magnuson

3/27/2019 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 71](file:///h:\hj\20190327.docx))

4/4/2019 House Member(s) request name added as sponsor: Stavrinakis

4/9/2019 House Requests for debate‑Rep(s).  Murphy, McCoy, Crawford, Clemmons, Clary, Johnson, Elliott, Tallon, Long, Davis, Martin, Felder, B. Newton, Forrest, Mace, Kimmons, Chellis, Bennett, Brown, Weeks, Jordon, Rose, McCravy, Gilliam, Caskey ([House Journal‑page 49](file:///h:\hj\20190409.docx))

4/24/2019 House Continued ([House Journal‑page 27](file:///h:\hj\20190424.docx))

4/25/2019 House Reconsidered ([House Journal‑page 30](file:///h:\hj\20190425.docx))

4/30/2019 House Member(s) request name added as sponsor: Rivers

5/1/2019 House Member(s) request name added as sponsor: Alexander

5/2/2019 House Member(s) request name added as sponsor: Thigpen, Robinson

5/2/2019 House Debate adjourned until Tues., 5‑7‑19 ([House Journal‑page 41](file:///h:\hj\20190502.docx))

5/2/2019 House Member(s) request name added as sponsor: Govan

5/7/2019 House Member(s) request name added as sponsor: S.Williams

1/16/2020 House Member(s) request name added as sponsor: Wheeler

2/19/2020 House Debate adjourned until Wed., 2‑26‑20 ([House Journal‑page 16](file:///h:\hj\20200219.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3322&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3322_20181218.docx)

[1/15/2019](file:///p:\pprever\2019-20\3322_20190115.docx)

[3/27/2019](file:///p:\pprever\2019-20\3322_20190327.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 27, 2019

**H. 3322**

Introduced by Reps. Pitts, Rutherford, G.M. Smith, Murphy, McCoy, Weeks, Clyburn, Hosey, Gilliard, Jefferson, Willis, Henegan, Erickson, Bamberg, Henderson‑Myers, Cobb‑Hunter and Davis

S. Printed 3/27/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3322) to amend Section 17‑25‑322, Code of Laws of South Carolina, 1976, relating to restitution to crime victims, so as to require that the court must, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 10 and inserting:

/ SECTION 10. Section 24‑21‑610 of the 1976 Code is amended to read:

“Section 24‑21‑610. (A) In all cases cognizable under this chapter the board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, parole a prisoner convicted of a crime and imprisoned in the state penitentiary, in any jail, or upon the public works of any county who if:

(1) sentenced for not more than thirty years has served at least one‑third of the term;

(2) sentenced to life imprisonment or imprisonment for any period in excess of thirty years, has served at least ten years.

(B) If after January 1, 1984, the board finds that the statewide case classification system provided for in Chapter 23 of this title has been implemented, that an intensive supervision program for parolees who require more than average supervision has been implemented, that a system for the periodic review of all parole cases in order to assess the adequacy of supervisory controls and of parolee participation in rehabilitative programs has been implemented, and that a system of contracted rehabilitative services for parolees is being furnished by public and private agencies, then in all cases cognizable under this chapter the board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, to the victim or victims, if any, of the crime, and to the sheriff of the county where the prisoner resides or will reside, parole a prisoner who if sentenced for a violent crime as defined in Section 16‑1‑60, has served at least one‑third of the term or the mandatory minimum portion of sentence, whichever is longer. For any other crime the prisoner shall have served at least one‑fourth of the term of a sentence or if sentenced to life imprisonment or imprisonment for any period in excess of forty years, has served at least ten years.

(C) The provisions of this section do not affect the parole ineligibility provisions for murder, armed robbery, and drug trafficking as set forth respectively in Sections 16‑3‑20 and 16‑11‑330, and subsection (e) of Section 44‑53‑370.

(D) In computing parole eligibility, no deduction of time may be allowed in any case for good behavior, but after June 30, 1981, there must be deductions of time in all cases for earned work credits, notwithstanding the provisions of Sections 16‑3‑20, 16‑11‑330, and 24‑13‑230.

(E) Notwithstanding any other provision of law, parole eligibility is to be computed using an inmate’s active incarcerative sentence. As used in this section, ‘active incarcerative sentence’ means the time an inmate is sentenced to incarceration and does not include any suspended portions of an imposed sentence.

(F) Notwithstanding the provisions of this section, the board may parole any prisoner upon a petition filed by the prisoner, any relevant staff at the Department of Corrections, or legal representation for the prisoner, not sooner than one year prior to the prescribed date of parole eligibility when, based on medical information furnished to it from a medical doctor through the prisoner, the board determines that the physical condition of the prisoner concerned is so serious that he would not be reasonably expected to live for more than one year. The parole board may order parole contingent upon the prisoner residing in an approved residence and abiding by all conditions ordered by the parole board. Notwithstanding any other provision of this section or of law, no prisoner who has served a total of ten consecutive years or more in prison may be paroled until the board has first received a report as to his mental condition and his ability to adjust to life outside the prison from a duly qualified psychiatrist or psychologist.” /

Amend the bill further by striking SECTION 18 in its entirety and inserting:

/SECTION 18. Section 24‑13‑150 of the 1976 Code is amended to read:

“Section 24‑13‑150. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed or subject to the provisions contained in subsection (B), an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the inmate has served at least ~~eighty‑five~~ sixty‑five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

(B) An inmate currently incarcerated for a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the inmate has served at least sixty‑five percent of the actual term of imprisonment imposed if the conviction was pursuant to Section 44‑53‑370 or Section 44‑53‑375. The department’s inmate records office must report no substantial or major disciplinary infractions. The inmate must have substantially completed a rehabilitation program and the department’s reentry program. The inmate shall remain under community supervision for a period no less than what equals eighty‑five percent of the inmate’s original sentence. These percentages must be calculated without the application of earned work credits, education credits, or good conduct credits, not including any portion of the sentence which has been suspended.

(C) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.” /

Amend the bill further by deleting SECTION 113 in its entirety and inserting:

/ SECTION 113. Section 22‑7‑40 of the 1976 Code is amended to read:

“Section 22‑7‑40. It shall be unlawful for any salaried magistrate in this State to receive any compensation for his services in criminal cases within his county other than his salary or to receive for his own use any portion of his constable’s fees or salary in any criminal cases whatsoever, whether such cases are actually tried, compromised or transferred for investigation to the court of general sessions. Any magistrate who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars and not more than two hundred dollars or imprisoned for ~~not less than thirty days and~~ not more than six months, or both so fined and imprisoned, at the discretion of the court.” /

Amend the bill further, Part IV, by adding an appropriately numbered SECTION at the end of Part IV to read:

/ SECTION \_\_\_. A. Section 44‑53‑370 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) In a prosecution for violation of this section, the prosecution must establish that any evidence in which the prosecution relies was seized at a time and place so closely connected that it is beyond reasonable doubt that the defendant was in actual or constructive possession of the requisite quantity of illegal substances to justify the charge.”

B. Section 44‑53‑375 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) In a prosecution for violation of this section, the prosecution must establish that any evidence in which the prosecution relies was seized at a time and place so closely connected that it is beyond reasonable doubt that the defendant was in actual or constructive possession of the requisite quantity of illegal substances to justify the charge.” /

Amend the bill further by striking Section 306 in its entirety and inserting:

/ SECTION 306.  The provisions of this act take effect upon approval of the Governor; however, the provisions of the act relating to parole eligibility apply retroactively to inmates currently serving an active incarcerative sentence, subject to any more specific requirements or restrictions as may be provided, and those provisions relating to the repeal of minimum sentences apply retroactively to inmates currently serving an active incarcerative sentence. /

Amend the bill further by striking the following SECTIONS in their entirety: 7, 8, 9, 11, 13, 14, 15, 16, 17, 46, 47, 49, 61, 73, 117, 118, 224, 225, 243, 244, and 245.

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 17‑25‑322, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTITUTION TO CRIME VICTIMS, SO AS TO REQUIRE THAT THE COURT MUST TAKE INTO CONSIDERATION THE FINANCIAL RESOURCES OF THE DEFENDANT AND ABILITY OF DEFENDANT TO PAY, REQUIRE IF A COURT FINDS A DEFENDANT FACES FINANCIAL HARDSHIP THAT THAT DEFENDANT MUST PAY NO LESS THAN A SPECIFIED AMOUNT, AND REQUIRE THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO IMPOSE A PAYMENT SCHEDULE OF EQUAL MONTHLY PAYMENTS RESULTING IN FULL RESTITUTION BY THE END OF SUPERVISION; TO AMEND SECTION 24‑21‑280, RELATING TO THE DUTIES AND POWERS OF PROBATION AGENTS, SO AS TO REQUIRE PROBATION AGENTS TO TAKE INTO CONSIDERATION AN OFFENDER’S EFFECTIVE USE OF DISCRETIONARY FUNDS, TO PROVIDE FOR SUPERVISION FOR SENTENCES OF THREE HUNDRED SIXTY‑FIVE DAYS OR MORE, TO SPECIFY HOW COMPLIANCE CREDITS MAY BE AWARDED AND HOW PROGRAMS MAY BE RECOGNIZED BY REGULATION AS PROPER FOR INCENTIVES, TO INFORM THE SENTENCING REFORM OVERSIGHT COMMITTEE OF THE PROGRAMS DESIGNATED FOR COMPLIANCE CREDITS, AND TO PROVIDE THAT OFFENDER ELIGIBILITY FOR COMPLIANCE CREDITS AS PROVIDED IN THIS SECTION BE EXTENDED TO OFFENDERS WHOSE OFFENSES OCCURRED PRIOR TO JANUARY 1, 2011; TO AMEND SECTION 24‑21‑440, RELATING TO THE PERIOD OF PROBATION, SO AS TO PROVIDE THAT THE PERIOD BE DEPENDENT UPON THE OFFENSE FOR WHICH THE DEFENDANT HAS BEEN SENTENCED, THAT RESTITUTION PAYMENTS MUST NOT BE REQUIRED FOR THE FIRST THREE MONTHS OF SUPERVISION AND THAT THE PERIOD FOR SUPERVISION OF RESTITUTION PAYMENTS MUST BE DETERMINED BY A JUDGE, THAT THE SUPERVISION OF RESTITUTION PAYMENT MUST NOT EXCEED FIVE YEARS AND IS ONLY REVOCABLE AFTER THE COMPLETION OF PROBATION FOR A WILFUL FAILURE TO MAKE RESTITUTION PAYMENTS; TO AMEND SECTION 24‑21‑560, RELATING TO THE COMMUNITY SUPERVISION PROGRAM, SO AS TO CLARIFY THAT ONCE COMMUNITY SUPERVISION IS COMPLETED AN OFFENDER IS STILL SUBJECT TO THE OTHER REQUIREMENTS OF SUPERVISION; BY ADDING SECTION 43‑5‑1191 SO AS TO EXEMPT INDIVIDUALS FROM THE ELIGIBILITY RESTRICTION ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS FOR INDIVIDUALS WITH DRUG CONVICTIONS THAT WOULD OTHERWISE BE ELIGIBLE AND TO PROVIDE FOR INELIGIBILITY IN THE EVENT AN INDIVIDUAL VIOLATES PROBATION, COMMUNITY SUPERVISION, OR PAROLE; TO DIRECT THE SENTENCING REFORM OVERSIGHT COMMITTEE TO STUDY AND MAKE A REPORT TO THE GENERAL ASSEMBLY CONCERNING THE COLLECTION OF RESTITUTION AND THE RISK AND NEEDS TOOL USED TO EVALUATE THE ENTIRE SUPERVISION POPULATION; TO AMEND SECTIONS 24‑21‑110 AND 24‑21‑430, RELATING TO ADMINISTRATIVE SANCTIONS AND CONDITIONS OF PROBATION, RESPECTIVELY, BOTH SO AS TO SET MAXIMUM JAIL CONFINEMENT PERIODS ON AN ADMINISTRATIVE SANCTION AND TO PROVIDE FURTHER PROCEDURES FOR REVOCATIONS; TO AMEND SECTION 24‑21‑460, RELATING TO ACTIONS OF THE COURT IN CASES OF PROBATION VIOLATIONS, SO AS TO LIMIT REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24‑21‑610, RELATING TO ELIGIBILITY FOR PAROLE, SO AS TO ALLOW FOR PAROLE ELIGIBILITY TO BE COMPUTED USING AN INMATE’S ACTIVE INCARCERATIVE SENTENCE AND TO AMEND REQUIREMENTS RELATED TO MEDICAL PAROLE; TO AMEND SECTION 24‑21‑620, RELATING TO A PAROLE BOARD’S REVIEW, SO AS TO ALLOW FOR AUTOMATIC RELEASE ON PAROLE OF NONVIOLENT INMATES WHO HAVE MET CERTAIN CONDITIONS; BY ADDING SECTION 24‑21‑720 SO AS TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CREATE AN INTAKE CASE PLAN FOR ALL PAROLE ELIGIBLE INMATES; TO AMEND SECTION 24‑21‑645, RELATING TO PAROLE AND PROVISIONAL PAROLE ORDERS, SO AS TO LIMIT REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24‑21‑660, RELATING TO THE EFFECT OF PAROLE, SO AS TO LIMIT PAROLE REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24‑21‑680, RELATING TO VIOLATIONS OF PAROLE, SO AS TO LIMIT PAROLE REVOCATIONS FOR TECHNICAL VIOLATIONS; TO AMEND SECTION 24‑21‑715, RELATING TO PAROLE FOR TERMINALLY ILL, GERIATRIC, OR PERMANENTLY DISABLED INMATES, SO AS TO AMEND THE ELIGIBILITY REQUIREMENTS AND EXTEND ELIGIBILITY TO OTHER CATEGORIES OF INMATES AND LIMIT THE REASONS THE PAROLE BOARD CAN DENY THIS TYPE OF PAROLE; BY ADDING ARTICLE 7 TO CHAPTER 27, TITLE 24 SO AS TO PROVIDE THE CIRCUMSTANCES FOR WHICH AN INMATE WHO HAS BEEN INCARCERATED AT LEAST FIFTEEN YEARS MAY PETITION THE COURT TO HAVE HIS SENTENCE MODIFIED; TO AMEND SECTION 24‑13‑150, RELATING TO THE EARLY RELEASE OF AN INMATE, SO AS TO REDUCE THE PERCENTAGE OF TIME AN INMATE WHO HAS COMMITTED A “NO PAROLE OFFENSE” MUST SERVE BEFORE HE MAY BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION FROM EIGHTY‑FIVE PERCENT TO SIXTY‑FIVE PERCENT, AND TO PROVIDE A PROCEDURE THAT ALLOWS CERTAIN INMATES TO PETITION THE COURT TO MODIFY THEIR SENTENCE; TO AMEND SECTION 24‑13‑210, RELATING TO CREDIT GIVEN TO AN INMATE FOR GOOD BEHAVIOR, SO AS TO INCREASE THE NUMBER OF GOOD BEHAVIOR DAYS AN INMATE WHO HAS COMMITTED A “NO PAROLE OFFENSE” MAY RECEIVE; TO AMEND SECTION 24‑13‑230, RELATING TO CREDIT GIVEN TO AN INMATE FOR WORK AND EDUCATION CREDITS, SO AS TO INCREASE THE NUMBER OF WORK AND EDUCATION CREDIT DAYS AN INMATE WHO HAS COMMITTED A “NO PAROLE OFFENSE” MAY RECEIVE; TO AMEND SECTION 1‑7‑400, RELATING TO CIRCUIT SOLICITORS DISABLED BY INTOXICATION, SO AS TO DELETE THE MINIMUM PENALTY; TO AMEND SECTION 1‑11‑26, RELATING TO THE RURAL INFRASTRUCTURE AUTHORITY, SO AS TO AMEND THE PENALTY FOR A VIOLATION FROM SIX MONTHS TO NOT MORE THAN SIX MONTHS IN PRISON; TO AMEND SECTION 2‑17‑50, RELATING TO FAILURE TO FILE BY A LOBBYIST, SO AS TO AMEND THE PENALTIES FOR A SECOND OFFENSE; TO AMEND SECTION 4‑11‑60, RELATING TO COUNTY OFFICERS KEEPING RECORDS OF MONIES RECEIVED, SO AS TO DELETE THE MINIMUM PENALTY FOR A VIOLATION; TO AMEND SECTION 5‑21‑130, RELATING TO THE UNLAWFUL USE OF A SPECIALLY LEVIED TAX, SO AS TO AMEND THE PENALTY FOR A VIOLATION TO NOT MORE THAN SIX MONTHS IN PRISON; TO AMEND SECTION 5‑21‑500, RELATING TO A COUNTY OR MUNICIPAL COUNCIL MEMBER VOTING TO DIVERT FUNDS, SO AS TO DELETE THE MINIMUM PENALTY FOR A VIOLATION; TO AMEND SECTION 5‑25‑40, RELATING TO FAILURE TO INSTALL FIRE ALARM BOXES IN HOSPITALS AND SCHOOLS, SO AS TO DELETE THE MINIMUM PENALTY OF TEN DAYS IN PRISON FOR A VIOLATION; TO AMEND SECTION 5‑31‑20, RELATING TO INTERFERENCE WITH SEWERS AND WATERWORKS, SO AS TO AMEND THE PENALTY FOR A VIOLATION FROM THIRTY DAYS TO NOT MORE THAN THIRTY DAYS; TO AMEND SECTION 7‑13‑1910, RELATING TO THE UNLAWFUL POSSESSION OF A VOTING MACHINE KEY, SO AS TO DELETE THE MINIMUM PENALTY FOR A VIOLATION OF TEN DAYS IN JAIL; TO AMEND SECTION 7‑13‑1920, RELATING TO THE UNLAWFUL TAMPERING OF VOTING MACHINES, SO AS TO DELETE THE MINIMUM PENALTY FOR A VIOLATION OF NOT LESS THAN THREE MONTHS IN PRISON; TO AMEND SECTION 8‑1‑40, RELATING TO FAILURE OF A CLERK, SHERIFF, OR MAGISTRATE TO PAY OVER FINES OR PENALTIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 8‑3‑60, RELATING TO PUBLIC OFFICIALS’ ASSUMPTION OF OFFICE BEFORE GIVING BOND, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED AND INCREASE THE MAXIMUM SENTENCE FOR A VIOLATION; TO AMEND SECTION 8‑13‑1510, RELATING TO ETHICS AND GOVERNMENT ACCOUNTABILITY, LATE FILING OR FAILURE TO FILE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A SECOND OFFENSE VIOLATION; TO AMEND SECTION 10‑7‑230, RELATING TO PUBLIC OFFICIALS’ FAILURE TO OBTAIN INSURANCE ON PUBLIC BUILDINGS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 10‑9‑260, RELATING TO INTERFERING WITH STATE, DEPARTMENT, OR LICENSEES, PHOSPHATE MINING WITHOUT A LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 11‑15‑90, RELATING TO FAILURE OF POLITICAL SUBDIVISION DISBURSEMENT OFFICERS TO MAKE PAYMENT OR REMIT FUNDS FOR PAYMENT OF OBLIGATIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 11‑15‑290, RELATING TO FAILURE TO MAKE INVESTMENTS FROM SINKING FUNDS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12‑21‑2470, RELATING TO OPERATING A PLACE OF AMUSEMENT WITHOUT A LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12‑21‑2830, RELATING TO RECORD REQUIRED OF GROSS RECEIPTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12‑21‑3080, RELATING TO INTERFERENCE WITH AMUSEMENT TAX ENFORCEMENT OR REFUSAL TO ALLOW INSPECTION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12‑37‑1130, RELATING TO PENALTIES FOR FALSE STATEMENTS TO THE DEPARTMENT OF REVENUE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 12‑54‑44, RELATING TO TAX OR REVENUE LAW PENALTIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 14‑9‑240, RELATING TO JUDGES AND SOLICITORS PROHIBITED FROM PRACTICING LAW IN CERTAIN CAUSES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 14‑25‑65, RELATING TO MAXIMUM PENALTIES THAT A MUNICIPAL COURT MAY IMPOSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 15‑43‑70, RELATING TO VIOLATION OF AN INJUNCTION AND PUNISHMENT FOR CONTEMPT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑610, RELATING TO CERTAIN OFFENSES COMMITTED WITH A CARRIED OR CONCEALED DEADLY WEAPON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑625, RELATING TO RESISTING ARREST WITH A DEADLY WEAPON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION AND REMOVE PROVISIONS THAT PROVIDED THE SECTION DOES NOT APPLY TO COMMON LAW ASSAULT AND BATTERY WITH INTENT TO KILL; TO AMEND SECTION 16‑3‑755 RELATING TO SEXUAL BATTERY WITH A STUDENT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑1045, RELATING TO USE OR EMPLOYMENT OF PERSONS UNDER EIGHTEEN TO COMMIT CERTAIN CRIMES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑1280, RELATING TO THE OFFENSE OF FALSE CLAIMS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTIONS 16‑3‑1710 AND 16‑3‑1720, RELATING TO THE OFFENSES OF HARASSMENT, BOTH SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑1730, RELATING TO THE OFFENSE OF STALKING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑1770, RELATING TO RESTRAINING ORDERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑3‑2090, RELATING TO FORFEITURE OF PROPERTY USED IN TRAFFICKING IN PERSONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑9‑230, RELATING TO PERSONS HOLDING OFFICE ACCEPTING EXTRA COMPENSATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑9‑250, RELATING TO UNLAWFUL ACCEPTANCE OF REMUNERATION BY PEACE OFFICERS FOR PERFORMING OFFICIAL DUTIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑130, RELATING TO BURNING PERSONAL PROPERTY TO DEFRAUD INSURERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑180, RELATING TO NEGLIGENTLY ALLOWING FIRE TO SPREAD TO PROPERTY OF ANOTHER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 16‑11‑350, RELATING TO TRAIN ROBBERY BY STOPPING A TRAIN, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑360, RELATING TO ROBBERY AFTER ENTRY UPON A TRAIN, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑510, RELATING TO MALICIOUS INJURY TO ANIMALS AND OTHER PERSONAL PROPERTY, SO AS TO REVISE THE PENALTIES FOR A VIOLATION; TO AMEND SECTION 16‑11‑520, RELATING TO MALICIOUS INJURY TO A TREE, HOUSE, OUTSIDE FENCE, OR FIXTURE, AND TRESPASS UPON REAL PROPERTY, SO AS TO REVISE THE PENALTIES FOR A VIOLATION; TO AMEND SECTION 16‑11‑535, RELATING TO MALICIOUS INJURY TO PLACES OF WORSHIP, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑590, RELATING TO DESTRUCTION OF SEA OAT OR VENUS‑FLYTRAP PLANTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑11‑650, RELATING TO REMOVING, DESTROYING, OR LEAVING DOWN FENCES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑13‑10, RELATING TO THE OFFENSE OF FORGERY, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑30, RELATING TO SIMPLE LARCENY OF GOODS OR BILLS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑40, RELATING TO STEALING OF BONDS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑50, RELATING TO STEALING OF LIVESTOCK, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑66, RELATING TO STEALING OR DAMAGING AQUACULTURE OPERATIONS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑70, RELATING TO STEALING OF VESSELS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑110, RELATING TO THE OFFENSE OF SHOPLIFTING, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑180, RELATING TO THE OFFENSE OF RECEIVING STOLEN GOODS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑230, RELATING TO THE OFFENSE OF BREACH OF TRUST WITH FRAUDULENT INTENT, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑240, RELATING TO THE OFFENSE OF OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑260, RELATING TO THE OFFENSE OF OBTAINING PROPERTY UNDER FALSE TOKENS OR LETTERS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑300, RELATING TO FRAUDULENT REMOVAL OR SECRETING OF PERSONAL PROPERTY ATTACHED OR LEVIED UPON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑13‑420, RELATING TO THE OFFENSE OF FAILURE TO RETURN LEASED OR RENTED PROPERTY, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑13‑430, RELATING TO FRAUDULENT ACQUISITION OR USE OF FOOD STAMPS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑14‑60, RELATING TO FINANCIAL TRANSACTION CARD FRAUD, SO AS TO AMEND THE JURISDICTION OF MAGISTRATES COURT AND TO REVISE THE PENALTIES; TO AMEND SECTION 16‑14‑80, RELATING TO RECEIVING STOLEN GOODS, SO AS TO AMEND THE JURISDICTION OF THE MAGISTRATES COURT AND REVISE THE PENALTIES; TO AMEND SECTION 16‑15‑10, RELATING TO THE OFFENSE OF BIGAMY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑15‑20, RELATING TO THE OFFENSE OF INCEST, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑15‑60, RELATING TO THE OFFENSE OF ADULTERY OR FORNICATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑15‑110, RELATING TO THE OFFENSE OF PROSTITUTION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑15‑120, RELATING TO THE ABOMINABLE CRIME OF BUGGERY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑310, RELATING TO THE OFFENSE OF IMITATION OF ORGANIZATIONS’ NAMES OR EMBLEMS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑520, RELATING TO THE OFFENSE OF DISTURBANCE OF RELIGIOUS WORSHIP, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑570, RELATING TO INTERFERENCE WITH FIRE AND POLICE ALARM BOXES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑580, RELATING TO REMOVING STATE LINE MARKERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑600, RELATING TO DESTRUCTION OR DESECRATION OF HUMAN REMAINS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑610, RELATING TO THE OFFENSE OF SOLICITING EMIGRANTS WITHOUT LICENSES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑690, RELATING TO THE OFFENSE OF FORTUNE‑TELLING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑17‑735, RELATING TO THE OFFENSE OF IMPERSONATING OFFICIALS OR LAW ENFORCEMENT OFFICERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑19‑10, RELATING TO THE UNLAWFUL SETTING UP OF LOTTERIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑19‑160, RELATING TO UNLAWFUL PUNCHBOARDS FOR GAMING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑21‑80, RELATING TO THE OFFENSE OF RECEIVING, POSSESSING, CONCEALING, SELLING, OR DISPOSING OF STOLEN VEHICLES, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 16‑23‑450, RELATING TO THE OFFENSE OF PLACING LOADED TRAP GUNS, SPRING GUNS, OR LIKE DEVICES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑23‑460, RELATING TO THE OFFENSE OF CARRYING A CONCEALED WEAPON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑23‑730, RELATING TO A HOAX DEVICE OR REPLICA OF DESTRUCTIVE DEVICE OR DETONATOR, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑23‑740, RELATING TO HINDERING AN EXPLOSIVE ORDINANCE TECHNICIAN, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 16‑23‑750, RELATING TO CONVEYING FALSE INFORMATION REGARDING ATTEMPTED USE OF A DESTRUCTIVE DEVICE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTIONS 16‑27‑30 AND 16‑27‑40, RELATING TO THE OFFENSE OF ANIMAL FIGHTING OR BAITING, BOTH SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 17‑25‑20, RELATING TO PUNISHMENT FOR A FELONY WHEN NOT SPECIALLY PROVIDED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 20‑1‑210, RELATING TO LICENSE REQUIRED FOR MARRIAGE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 20‑1‑220, RELATING TO A PROBATE JUDGE MARRIAGE LICENSE VIOLATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 20‑3‑220, RELATING TO UNLAWFUL ADVERTISING FOR PURPOSE OF PROCURING DIVORCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22‑1‑70, RELATING TO DISPOSITION OF FINES AND PENALTIES IMPOSED AND COLLECTED IN CRIMINAL CASES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22‑1‑140, RELATING TO THE RETURN OF BOOKS RECEIVED BY A MAGISTRATE FROM THE CLERK OF COURT AT THE EXPIRATION OF THE MAGISTRATES TERM, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22‑5‑170, RELATING TO DUTY OF SPECIAL OFFICERS APPOINTED BY MAGISTRATES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 22‑7‑40, RELATING TO RECEIPT OF CERTAIN COMPENSATION BY MAGISTRATES IN CRIMINAL CASES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23‑1‑140, RELATING TO RURAL POLICEMEN COLLECTING FEES IN CERTAIN CASES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23‑3‑310, RELATING TO IMPROPER RELEASE OF INFORMATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23‑3‑430, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO REQUIRE THE COURT TO MAKE A FINDING ON THE RECORD THAT THE OFFENSE INCLUDED A CRIMINAL SEXUAL OFFENSE FOR A PERSON CONVICTED OF KIDNAPPING IN ORDER FOR THE OFFENDER TO BE PLACED ON THE SEX OFFENDER REGISTRY; TO AMEND SECTION 23‑3‑470, RELATING TO FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 23‑3‑475, RELATING TO REGISTERING WITH FALSE INFORMATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 23‑15‑70, RELATING TO VIOLATION OF THE CALL OUT FOR ASSISTANCE OR POSSE COMITATUS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 23‑35‑150, RELATING TO FIREWORKS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 23‑36‑170, RELATING TO THE EXPLOSIVES CONTROL ACT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 24‑3‑410, RELATING TO THE SALE OF PRISON‑MADE PRODUCTS ON OPEN MARKET GENERALLY PROHIBITED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑3‑420, RELATING TO PRISON INDUSTRIES VIOLATIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑3‑950, RELATING TO PRISON CONTRABAND, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑5‑130, RELATING TO LEAVING JAILS UNATTENDED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑7‑155, RELATING TO FURNISHING OR POSSESSING CONTRABAND IN JAIL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑13‑260, RELATING TO FAILURE OF OFFICERS HAVING CHARGE OF INMATE TO ALLOW DEDUCTION IN TIME OF SERVING SENTENCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑13‑410, RELATING TO UNLAWFUL ESCAPE OR POSSESSING TOOLS OR WEAPONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑13‑430, RELATING TO RIOTING OR INCITING TO RIOT BY AN INMATE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 24‑13‑460, RELATING TO FURNISHING PRISONERS ALCOHOLIC BEVERAGES OR NARCOTIC DRUGS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 27‑3‑30, RELATING TO PUNISHMENT OF PARTIES TO FRAUDULENT CONVEYANCES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 29‑1‑30, RELATING TO THE WILFUL SALE OF PROPERTY ON WHICH A LIEN EXISTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 29‑7‑20, RELATING TO FAILURE TO PAY LABORERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 33‑45‑170, RELATING TO MEMBERSHIP IN COTTON COOPERATIVES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34‑3‑10, RELATING TO UNLAWFUL USE OF THE WORD “BANK” OR “BANKING,” SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34‑3‑80, RELATING TO CRIMINAL LIABILITY OF BANK OFFICIALS FURNISHING FALSE CERTIFICATES TO THE COMPTROLLER GENERAL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34‑11‑30, RELATING TO RECEIPT OF DEPOSITS OR TRUSTS AFTER KNOWLEDGE OF INSOLVENCY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 34‑11‑90, RELATING TO FRAUDULENT CHECKS, SO AS TO AMEND THE JURISDICTION OF MAGISTRATES COURT AND TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 36‑9‑410, RELATING TO UNLAWFUL SALE OR DISPOSAL OF PERSONAL PROPERTY SUBJECT TO SECURITY INTEREST, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 38‑2‑30, RELATING TO INSURANCE AND ACTING WITHOUT A LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 38‑55‑170, RELATING TO PRESENTING FALSE CLAIMS FOR PAYMENT, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 39‑1‑20, RELATING TO MAKING INTENTIONALLY UNTRUE STATEMENTS IN ADVERTISING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑1‑80, RELATING TO INDUSTRIAL HYGIENE AND SAFETY PROFESSIONALS’ CERTIFICATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑15‑10, RELATING TO MANUFACTURERS’ USE OF MARKED BEER, SODA WATER, OR MINERAL WATER CONTAINERS OF OTHERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑15‑15, RELATING TO REQUIREMENTS FOR LABELING PRODUCTS AS “PEAT”, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑15‑480, RELATING TO UNAUTHORIZED POSSESSION OF MARKED OR BRANDED CONTAINERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑15‑750, RELATING TO DESTRUCTION OF BRAND OR REMOVAL OR TRANSFER OF TIMBER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑19‑510, RELATING TO FRAUD IN SALE OF LEAF TOBACCO, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑33‑1320, RELATING TO BUTTERFAT CONTENT AND WEIGHT OF MILK, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 39‑33‑1540, RELATING TO UNAUTHORIZED USE OF STAMPED BOTTLES OF OTHER DEALERS IN MILK IN THE SAME COUNTY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑41‑160, RELATING TO FRAUDULENT VIOLATION OF PETROLEUM REQUIREMENTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑41‑360, RELATING TO THE SALE OF LUBRICATING OILS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 39‑51‑120, RELATING TO ANTIFREEZE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑2‑590, RELATING TO REGULATION OF ACCOUNTING PRACTITIONERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑8‑190, RELATING TO THE PERPETUAL CARE CEMETERY ACT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑36‑30, RELATING TO OCCUPATIONAL THERAPISTS PRACTICING WHILE LICENSE SUSPENDED OR REVOKED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑41‑710, RELATING TO A RETAILER’S RECORD OF STOLEN PROPERTY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑51‑220, RELATING TO PODIATRY OR CHIROPODY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑56‑200, RELATING TO FIRE CODES AND REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑59‑30, RELATING TO RESIDENTIAL SPECIALTY CONTRACTING LICENSE REQUIREMENTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑69‑200, RELATING TO UNLAWFUL PRACTICE OR FILING FALSE INFORMATION TO OBTAIN A VETERINARY LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 40‑82‑200, RELATING TO OBTAINING A LICENSE TO DO BUSINESS IN LIQUID PETROLEUM GAS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41‑1‑20, RELATING TO UNLAWFUL DISCRIMINATION AGAINST UNION MEMBERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41‑1‑60, RELATING TO TRANSACTIONS BETWEEN CARRIERS OR SHIPPERS AND LABOR ORGANIZATIONS PROHIBITED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41‑3‑140, RELATING TO IMPEDING THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN PERFORMANCE OF HIS DUTIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 41‑7‑80, RELATING TO RIGHT TO WORK, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 42‑5‑45, RELATING TO PENALTY FOR FAILURE OF EMPLOYERS TO SECURE PAYMENTS OF COMPENSATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 42‑5‑240, RELATING TO ACTING AS AN INSURANCE AGENT WHILE SUSPENDED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 44‑1‑150, RELATING TO THE VIOLATION OF RULES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44‑1‑151, RELATING TO VIOLATIONS INVOLVING SHELLFISH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 44‑23‑1080, RELATING TO PATIENTS AND PRISONERS DENIED ACCESS TO ALCOHOLIC BEVERAGES, FIREARMS, DANGEROUS WEAPONS, AND CONTROLLED SUBSTANCES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 44‑52‑165, RELATING TO PATIENTS RECEIVING ADDICTION SERVICES PROHIBITED FROM POSSESSING ALCOHOL, FIREARMS, WEAPONS, OR DRUGS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 44‑53‑370, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF CONTROLLED SUBSTANCES, SO AS TO AMEND THE PENALTIES, WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES; TO AMEND SECTION 44‑53‑375, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF METHAMPHETAMINE, COCAINE BASE, OR OTHER CONTROLLED SUBSTANCES, SO AS TO AMEND THE PENALTIES, WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES; TO AMEND SECTION 44‑55‑700, RELATING TO SEPTIC TANK INSTALLATIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 44‑61‑70, RELATING TO EMERGENCY SERVICES AND HINDERING AN AGENT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 45‑2‑40, RELATING TO VIOLATIONS COMMITTED BY A PERSON ON PREMISES OR PROPERTY OF A LODGING ESTABLISHMENT, SO AS TO REVISE THE PENALTIES FOR A VIOLATION; TO AMEND SECTION 45‑3‑20, RELATING TO OBSTRUCTION OF HOTEL AND RESTAURANT INSPECTIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 45‑9‑90, RELATING TO THE VIOLATION OF THE RIGHT TO EQUAL ENJOYMENT OF AND PRIVILEGES TO PUBLIC ACCOMMODATIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46‑1‑20, RELATING TO STEALING CROPS FROM THE FIELD, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 46‑1‑40, RELATING TO STEALING TOBACCO PLANTS FROM BEDS, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 46‑1‑60, RELATING TO MAKING AWAY WITH OR DISPOSING OF PRODUCE BEFORE PAYING, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 46‑1‑70, RELATING TO FACTORS OR COMMISSION MERCHANTS FAILING TO ACCOUNT FOR PRODUCE, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 46‑9‑80, RELATING TO INTERFERING WITH THE AGRICULTURE COMMISSION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46‑9‑90, RELATING TO THE STATE CROP PEST COMMISSION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46‑17‑400, RELATING TO AGRICULTURAL COMMODITIES MARKETING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 46‑29‑20, RELATING TO FRAUDULENT PACKING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑1‑40, RELATING TO ILL‑TREATMENT OF ANIMALS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑1‑60, RELATING TO CUTTING MUSCLES OF TAILS OF HORSES, ASSES, AND MULES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑3‑530, RELATING TO STEALING OR KILLING AN IDENTIFIABLE DOG, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑3‑630, RELATING TO TEASING, MALTREATING, AND INJURING POLICE DOGS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑3‑950, RELATING TO UNAUTHORIZED CONTROL OVER GUIDE DOGS OR SERVICE ANIMALS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑7‑160, RELATING TO UNLAWFUL RESCUING OF AN ANIMAL FROM CUSTODY OF A PERSON IMPOUNDING IT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑9‑410, RELATING TO LIVESTOCK BRANDING OR EARMARKING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 47‑13‑70, RELATING TO SELLING FLESH OF DISEASED OR INJURED ANIMALS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 48‑23‑265, RELATING TO PAYMENT TO A LANDOWNER FOR FOREST PRODUCTS PURCHASED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 48‑43‑550, RELATING TO REMOVAL OF DISCHARGES OF POLLUTANTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 49‑1‑50, RELATING TO SALE OR PURCHASE OF DRIFTED LUMBER OR TIMBER, SO AS TO REVISE THE PENALTIES; TO AMEND SECTION 50‑1‑85, RELATING TO THE USE OF FIREARMS OR ARCHERY TACKLE IN A CRIMINALLY NEGLIGENT MANNER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 50‑1‑125, RELATING TO TRAFFICKING IN WILDLIFE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 50‑1‑130, RELATING TO FISH, GAME, AND WATERCRAFT VIOLATIONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑5‑730, RELATING TO TRAWLING NEAR A PUBLIC FISHING PIER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑5‑2535, RELATING TO THE MARINE RESOURCES ACT, ENGAGING IN PROHIBITED ACTIVITIES WHILE UNDER SUSPENSION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑100, RELATING TO ENCLOSURES IMPEDING FREE RANGE OF DEER BEING HUNTED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑730, RELATING TO UNLAWFUL HUNTING, SHOOTING, OR KILLING OF DEER FROM A WATER CONVEYANCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑810, RELATING TO GAME BIRDS FOR WHICH NO SPECIFIC OPEN SEASON IS DESIGNATED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑852, RELATING TO THE UNLAWFUL MOLESTATION OR KILLING OF BIRDS OF PREY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑1105, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF NATURAL RESOURCES TO DECLARE CLOSED SEASON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑1110, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF NATURAL RESOURCES TO CLOSE OR SHORTEN OPEN SEASON, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑1340, RELATING TO RESPONSIBILITY OF A MANAGER, OWNER, OR LICENSEE FOR VIOLATIONS ON A SHOOTING PRESERVE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑1730, RELATING TO THE TRANSPORTING OF GAME BIRDS OR ANIMALS OUT OF STATE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LAND, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑11‑2640, RELATING TO IMPORTING FOXES AND COYOTES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑1210, RELATING TO PROHIBITION OF A PERMANENT OBSTRUCTION TO MIGRATION OF FISH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑1410, RELATING TO POLLUTION OF WATERS INJURING FISH AND SHELLFISH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑1420, RELATING TO POISONING WATERS OR PRODUCING ELECTRIC CURRENTS TO CATCH FISH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑1430, RELATING TO CASTING IMPURITIES IN WATERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑1630, RELATING TO THE UNLAWFUL IMPORTING, POSSESSING, OR SELLING OF CERTAIN FISH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑13‑2015, RELATING TO FISH SANCTUARY IN ST. STEPHEN REDIVERSION CANAL, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑18‑285, RELATING TO TAMPERING, DAMAGING, VANDALIZING, POISONING, OR STEALING OF AQUACULTURE PRODUCTS OR FACILITIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑19‑251, RELATING TO SLADE LAKE FISHING AND RECREATIONAL REQUIREMENTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑19‑590, RELATING TO FISHING NEAR THE GREENWOOD POWER PLANT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 50‑19‑1190, RELATING TO THE SHELLY LAKE FISH SANCTUARY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑21‑112, RELATING TO BOATING UNDER THE INFLUENCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 50‑21‑113, RELATING TO BOATING UNDER THE INFLUENCE RESULTING IN PROPERTY DAMAGE, GREAT BODILY INJURY, OR DEATH, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑21‑117, RELATING TO THE OPERATION OF A WATER DEVICE WHILE PRIVILEGES ARE SUSPENDED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 50‑23‑385, RELATING TO HOUSEBOATS WITH WASTE‑HOLDING TANKS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52‑1‑40, RELATING TO CIRCUSES, CARNIVALS, AND TRAVELING SHOWS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52‑13‑10, RELATING TO THE OPERATION OF DANCE HALLS ON SUNDAY FORBIDDEN, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 52‑13‑40, RELATING TO DANCE HALLS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 54‑11‑50, RELATING TO DESTROYING, DAMAGING, OR OBSTRUCTING MONUMENTS OR BUILDINGS OF UNITED STATES COAST SURVEYS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55‑1‑40, RELATING TO UNLAWFUL ENTRY OF AIRCRAFT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55‑1‑100, RELATING TO OPERATING OR ACTING AS A FLIGHT CREW MEMBER OF AN AIRCRAFT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 55‑13‑40, RELATING TO TRESPASSING, PARKING, DRIVING, OR DRAG RACING ON AIRPORT PROPERTY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑1‑350, RELATING TO FAILURE TO RETURN A CANCELED OR SUSPENDED DRIVER’S LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑1‑440, RELATING TO PENALTIES FOR DRIVING WITHOUT A LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑1‑450, RELATING TO PENALTIES FOR UNLAWFUL OPERATION AFTER CONVICTION FOR WHICH SUSPENSION OR REVOCATION OF A LICENSE IS MANDATORY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑1‑460, RELATING TO PENALTIES FOR DRIVING WHILE A LICENSE IS CANCELLED, SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑1‑2070, RELATING TO DRIVING COMMERCIAL MOTOR VEHICLES WITHOUT A VALID LICENSE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑3‑1910, RELATING TO FORGERY OF LICENSE PLATES FOR HANDICAPPED PERSONS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑3‑1960, RELATING TO TEMPORARY AND PERMANENT PARKING PLACARDS, ILLEGAL DUPLICATION OR FORGERY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑3‑5400, RELATING TO THE FRATERNAL ORDER OF POLICE SPECIAL LICENSE PLATES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑5‑2930, RELATING TO DRIVING UNDER THE INFLUENCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑5‑2933, RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑5‑2945, RELATING TO FELONY DRIVING UNDER THE INFLUENCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 56‑9‑340, RELATING TO FAILURE TO SURRENDER A LICENSE AND REGISTRATION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑10‑240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, THE INSURED MUST OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑10‑250, RELATING TO THE UNLAWFUL SELLING OF A VEHICLE WITH A SUSPENDED REGISTRATION TO FAMILY MEMBERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑10‑260, RELATING TO A FALSE CERTIFICATE OR FALSE EVIDENCE OF INSURANCE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 56‑10‑520, RELATING TO OPERATING A MOTOR VEHICLE WITHOUT PAYING THE UNINSURED MOTOR VEHICLE FEE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 57‑7‑20, RELATING TO PUTTING FOREIGN SUBSTANCES ON HIGHWAYS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 57‑13‑110, RELATING TO INJURY TO OR DESTRUCTION OF BRIDGES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 57‑17‑110, RELATING TO COUNTY APPORTIONMENT OF ROAD FUNDS THROUGH THE FISCAL YEAR, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58‑15‑840, RELATING TO TAKING OR REMOVING BRASSES, BEARINGS, WASTE, OR PACKING FROM RAILROAD CARS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58‑17‑2760, RELATING TO RAILROADS, AND CONNECTING CARRIERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58‑17‑4090, RELATING TO OBSTRUCTION OF A RAILROAD, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58‑23‑80, RELATING TO MOTOR VEHICLE CARRIERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 58‑23‑920, RELATING TO INSURANCE REQUIRED OF OWNERS OF MOTOR VEHICLES TRANSPORTING GOODS FOR HIRE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 59‑5‑130, RELATING TO THE STATE BOARD OF EDUCATION, MEMBERS PROHIBITED FROM CONTRACTING WITH THE BOARD, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑19‑310, RELATING TO EXERCISING THE OFFICE OF A SCHOOL TRUSTEE AFTER TERMINATION OF OFFICE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑25‑30, RELATING TO OFFICIALS NOT PERMITTED TO DESIGNATE PLACES FOR TEACHERS TO BOARD OR LIVE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑29‑560, RELATING TO SCHOOL DISBURSEMENT OF AND ACCOUNTABILITY FOR FUNDS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑31‑590, RELATING TO SCHOOL PERSONNEL NOT PERMITTED TO ACT AS AGENTS FOR PUBLISHERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑67‑120, RELATING TO THE PROHIBITION OF TAMPERING WITH SCHOOL BUS GOVERNORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑67‑210, RELATING TO UNLAWFUL SCHOOL BUS PASSING OF ANOTHER SCHOOL BUS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑67‑280, RELATING TO TRANSPORTATION OF PUPILS AND SCHOOL BUSES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑69‑260, RELATING TO OFFICIALS PROHIBITED FROM ACQUIRING INTEREST IN CLAIMS OR CONTRACTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑111‑180, RELATING TO MISREPRESENTATION OF SCHOLARSHIP ELIGIBILITY, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATION OF A CAMPUS POLICE OFFICER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 59‑150‑250, RELATING TO UNLAWFUL LOTTERY TICKET SALES TO A MINOR OR ACCEPTING A LOTTERY PRIZE WHILE INCARCERATED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 59‑152‑150, RELATING TO STANDARD FISCAL ACCOUNTABILITY SYSTEM DISBURSEMENTS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑2‑240, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, INTERFERENCE WITH OFFICERS AND ABUSIVE LANGUAGE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑2‑250, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑20, RELATING TO THE SALE OF ALCOHOL WITHOUT TAXES LEVIED, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑160, RELATING TO DISCOUNT PRICING FOR ON‑PREMISES ALCOHOL CONSUMPTION, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑560, RELATING TO BEER, ALE, PORTER, WINE, AND OPERATION WITHOUT A PERMIT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑600, RELATING TO SURRENDER OF BEER OR WINE SALES LICENSES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑610, RELATING TO UNLAWFUL SALES OF BEER AND WINE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑780, RELATING TO PROVISIONS AFFECTING WINE SALES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑4‑910, RELATING TO PROVISIONS AFFECTING BEER, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑6‑4010, RELATING TO UNLAWFUL MANUFACTURE, POSSESSION, OR SALES OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4025, RELATING TO POSSESSION OF UNLAWFULLY ACQUIRED OR MANUFACTURED ALCOHOLIC LIQUORS IN A VEHICLE, VESSEL, OR AIRCRAFT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4030, RELATING TO TRANSPORTATION OF ALCOHOLIC LIQUORS IN A VEHICLE FOR HIRE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4040, RELATING TO RENDERING AID IN UNLAWFUL TRANSPORTATION OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4050, RELATING TO PURCHASE FROM UNLICENSED ALCOHOL RETAIL DEALERS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4060, RELATING TO UNLICENSED STORAGE OF ALCOHOLIC LIQUORS IN A PLACE OF BUSINESS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4100, RELATING TO DISTILLERIES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4110, RELATING TO KNOWINGLY PERMITTING A DISTILLERY ON PREMISES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4120, RELATING TO MATERIALS USED IN THE MANUFACTURE OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4130, RELATING TO PRESENCE AT A DISTILLERY PRIMA FACIE EVIDENCE OF GUILT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4140, RELATING TO EMPLOYMENT OF PERSONS UNDER THE AGE OF TWENTY‑ONE YEARS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4150, RELATING TO THE SALE OF ALCOHOLIC LIQUORS FROM A VEHICLE, VESSEL, OR AIRCRAFT, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4160, RELATING TO SUNDAY AND CHRISTMAS DAY SALES OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4170, RELATING TO BILLBOARDS ENCOURAGING UNDERAGE DRINKING, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑6‑4180, RELATING TO POSSESSION OF A FIREARM OR WEAPON BY SELLERS OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑6‑4200, RELATING TO DISPOSSESSION OR ATTEMPTED DISPOSSESSION OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑6‑4550, RELATING TO DISCOUNTING OF PRICES OF ALCOHOLIC LIQUORS, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 61‑6‑4700, RELATING TO CONSUMPTION OF ALCOHOLIC LIQUOR ON PREMISES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR VIOLATIONS; TO AMEND SECTION 61‑8‑50, RELATING TO CONTEMPT PROCEEDINGS RELATED TO REGULATION OF ALCOHOL SALES, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 63‑19‑1670, RELATING TO CONTRABAND IN THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; TO AMEND SECTION 63‑19‑2420, RELATING TO JUVENILES LOITERING IN A BILLIARD ROOM, SO AS TO DELETE THE MINIMUM SENTENCE REQUIRED FOR A VIOLATION; AND BY ADDING ARTICLE 13 TO CHAPTER 22, TITLE 17 SO AS TO ENACT THE “DRUG COURT PROGRAM ACT”, TO DIRECT EACH CIRCUIT SOLICITOR TO ESTABLISH A DRUG COURT PROGRAM FOR ADULTS AND JUVENILES, TO PROVIDE CRITERIA FOR THE ELIGIBILITY OF PERSONS CHARGED WITH NONVIOLENT OFFENSES, TO ALLOW EACH CIRCUIT SOLICITOR TO ESTABLISH AN OFFICE OF DRUG COURT PROGRAM COORDINATOR, TO DIRECT THE COMMISSION ON PROSECUTION COORDINATION TO ESTABLISH A STATE OFFICE OF DRUG COURT COORDINATION, TO PROVIDE FOR FEES FOR PARTICIPATION IN A DRUG COURT PROGRAM, TO PROVIDE FOR ANNUAL REPORTS DETAILING THE ACTIVITIES OF DRUG COURT PROGRAMS TO THE COMMISSION ON PROSECUTION COORDINATION, WITH A COPY PROVIDED TO THE SENTENCING REFORM OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE APPOINTMENT OF DRUG COURT JUDGES AND THEIR COMPENSATION.

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

PART I

Supervision of Offenders and Restitution

SECTION 1. Section 17‑25‑322 of the 1976 Code is amended to read:

“Section 17‑25‑322. (A) When a defendant is convicted of a crime which has resulted in pecuniary damages or loss to a victim, the court must hold a hearing to determine the amount of restitution due the victim or victims of the defendant’s criminal acts. The restitution hearings must be held unless the defendant in open court agrees to the amount due, and in addition to any other sentence which it may impose, the court shall order that the defendant make restitution or compensate the victim for any pecuniary damages. The defendant, the victim or victims, or their representatives or the victim’s legal representative as well as the Attorney General and the solicitor have the right to be present and be heard upon the issue of restitution at any of these hearings.

(B) In determining the manner, method, or amount of restitution to be ordered, the court ~~may~~ must take into consideration the following:

(1) the financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant;

(2) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

(3) the anticipated rehabilitative effect on the defendant regarding the manner of restitution or the method of payment;

(4) any burden or hardship upon the victim as a direct or indirect result of the defendant’s criminal acts;

(5) the mental, physical, and financial well‑being of the victim.

(C)(1) At the restitution hearings, the defendant, the victim, the Attorney General, the solicitor, or other interested party may object to the imposition, amount or distribution of restitution, or the manner or method of them, and the court shall allow all of these objections to be heard and preserved as a matter of record.

(2) The court shall enter its order upon the record stating its findings and the underlying facts and circumstances of them.

(3)(a) The restitution order shall specify a monthly payment schedule that will result in full payment for both restitution and collection fees by the end ~~of eighty percent~~ of the offender’s supervision period.

(b) If the court makes a finding that the defendant faces substantial financial hardship, the court shall set the defendant’s monthly restitution payment, which shall not be less than two eight‑hour work days at the federal minimum wage.

(c) In the absence of a monthly payment schedule, the Department of Probation, Parole, and Pardon Services shall impose a payment schedule of equal monthly payments that will result in full restitution and collections fee being paid by the end of eighty percent of an offender’s supervision period. The department, through its agents, must initiate legal process to bring every probationer, whose restitution is six months in arrears, back to court~~, regardless of wilful failure to pay~~. ~~The judge~~ If the court determines that the probationer has wilfully failed to pay, he shall make an order addressing the probationer’s failure to pay.

(D) All restitution funds, excluding the twenty percent collection fee, collected before or after the effective date of this section that remain unclaimed by a crime victim for more than eighteen months from the day of last payment received must be transferred to the South Carolina Victim Compensation Fund, notwithstanding the Uniform Unclaimed Property Act of 1981.

(E) An offender may not be granted a pardon until the restitution and collection fees required by the restitution order have been paid in full.”

SECTION 2. Section 24‑21‑280 of the 1976 Code is amended to read:

“Section 24‑21‑280. (A) A probation agent must investigate all cases referred to him for investigation by the judges or director and report in writing. He must furnish to each person released on probation, parole, or community supervision under his supervision a written statement of the conditions of probation, parole, or community supervision and must instruct him regarding them. He must keep informed concerning the conduct and condition of each person on probation, parole, or community supervision under his supervision by visiting, requiring reports, and in other ways, and must report in writing as often as the court or director may require. He must use practicable and suitable methods that are consistent with evidence‑based practices to aid and encourage persons on probation, parole, or community supervision to bring about improvement in their conduct and condition and to reduce the risk of recidivism for the offenders under his supervision. A probation agent must keep detailed records of his work, make reports in writing, and perform other duties as the director may require.

(B) A probation agent has, in the execution of his duties, the power to issue an arrest warrant or a citation charging a violation of conditions of supervision, the powers of arrest, and, to the extent necessary, the same right to execute process given by law to sheriffs. A probation agent has the power and authority to enforce the criminal laws of the State. In the performance of his duties of probation, parole, community supervision, and investigation, he is regarded as the official representative of the court, the department, and the board.

(C) A probation agent must conduct an actuarial assessment of each individual under the supervision of the department for offender risks and needs, including criminal risk factors, effective use of discretionary funds, and specific needs ~~of each individual, under the supervision of the department~~, which shall be used to make objectively based decisions that are consistent with evidence‑based practices on the type of supervision and services necessary. The actuarial assessment tool shall include screening and comprehensive versions. The screening version shall be used as a triage tool to determine offenders who require the comprehensive version. The director also shall require each agent to receive annual training on evidence‑based practices and criminal risks factors and how to target these factors to reduce recidivism.

(D)(1) A probation agent, in consultation with the probation agent’s supervisor, shall identify each individual under the department’s supervision, with a term of supervision of ~~more than one year~~ three hundred sixty‑five days or more, and shall calculate and award compliance credits as provided in this section. Credits may be earned from the first day of supervision on a thirty‑day basis, but must not be applied until after each thirty‑day period of supervision has been completed.

(2) The department may promulgate by regulation any additional programs that the department determines qualify for compliance credits.

(3) Compliance credits may be denied for noncompliance on a thirty‑day basis as determined by the department. The denial of nonearned compliance credits is a final decision of the department and is not subject to appeal.

(4) An individual may earn up to ~~twenty~~ thirty days of compliance credits for each thirty‑day period in which the department determines that the individual has substantially fulfilled all of the conditions of the individual’s supervision.

(E) Any portion of the earned compliance credits are subject to be revoked by the department if an individual violates a condition of supervision during a subsequent thirty‑day period.

(F) The department shall provide annually to the Sentencing Reform Oversight Committee the number of offenders who qualify for compliance credits, ~~and~~ the amount of credits each has earned within a fiscal year, and the programs determined by the department as qualifying for compliance credits that have been promulgated by regulation.

(G) Offender supervision specialists have the same duties and authority granted to probation agents, except for the authority granted in subsection (B).

(H) On the effective date of this subsection, eligibility for compliance credits as provided in this section is extended to offenders whose offenses occurred prior to January 1, 2011, in addition to those offenders who committed offenses after the effective date of this section.”

SECTION 3. Section 24‑21‑440 of the 1976 Code is amended to read:

“Section 24‑21‑440. (A) ~~The~~ Except as provided in subsection (B) for the payment of restitution, the period of probation or suspension of sentence shall not exceed a period ~~of five years~~ as provided by class of offenses in this section, and shall be determined by the judge of the court and may be continued or extended within the ~~above limit~~ limits as provided in this section. A person convicted of a felony or a misdemeanor shall have a period of probation or suspension of sentence not to exceed:

(1) for an unclassified felony, not more than five years;

(2) for a Class A felony, not more than five years;

(3) for a Class B felony, not more than three years;

(4) for a Class C felony, not more than three years;

(5) for a Class D felony, not more than two years;

(6) for a Class E felony, not more than two years;

(7) for a Class F felony, not more than one year;

(8) for an unclassified misdemeanor, not more than six months;

(9) for a Class A misdemeanor, not more than six months;

(10) for a Class B misdemeanor, not more than six months;

(11) for a Class C misdemeanor, not more than six months.

(B) Notwithstanding the provisions of subsection (A):

(1) restitution payments must not be required for the first three months of supervision; and

(2) the period of probation or suspension of sentence for purposes of restitution:

(a) must be determined by the judge;

(b) must not exceed five years; and

(c) after the completion of the probation or suspension of sentence as provided in subsection (A), is only revocable for wilful failure to make restitution payments.”

SECTION 4. Section 24‑21‑560(E) of the 1976 Code is amended to read:

“(E) A prisoner who successfully completes a community supervision program pursuant to this section and completes the term of probation from the original sentence has satisfied his sentence and must be discharged from his sentence.”

SECTION 5. Article 11, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Section 43‑5‑1191. (A) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(1) and (2) to ensure eligibility for temporary assistance for needy families benefits and federal food assistance:

(1) upon completion of the sentence or if the individual is complying with probation, parole, or community supervision as provided in Title 24; and

(2) if the individual meets all other requirements for eligibility under the program or programs.

(B) If an individual violates a condition of probation or community supervision as determined by a court or violates the terms of parole as determined by the Board of Paroles and Pardons, the individual shall lose eligibility for the program or programs until the underlying sentence is complete, at which point the eligibility is restored. An individual shall be eligible to participate in the program or programs upon the completion of the underlying sentence for the offense provided the individual meets all other requirements for eligibility under the program or programs.”

SECTION 6. The Sentencing Reform Oversight Committee, as established by Part 1B, Section 117.123 of the 2017‑2018 Appropriations Act, is directed to:

(1) study and review the collection of restitution, including collection of restitution under administrative monitoring, and consider the development of a risk and needs tool used to evaluate the supervision population; and

(2) submit a report to the General Assembly no later than January 15, 2019, making recommendations for any changes in the statutory process.

PART II

Revocations and Parole Proceedings

SECTION 7. Section 24‑21‑110 of the 1976 Code is amended to read:

“Section 24‑21‑110. (A)(1) In response to a violation of the terms and conditions of any supervision program operated by the department, whether pursuant to statute or contract with another state agency, the probation agent may, with the concurrence of his supervisor and, as an alternative to issuing a warrant or citation, serve on the offender a notice of administrative sanctions.

(2) The agent must not serve a notice of administrative sanctions on an offender for violations of special conditions if a sentencing court provided that those violations would be heard by the court.

(3) The administrative sanctions must:

(a) be equal to or less restrictive than the sanctions available to the revoking authority~~, with the exception of revocation~~; and

(b) include the imposition of a maximum of three days confinement for a first jail sanction and a maximum of ten days confinement for a second jail sanction.

(B)(1) If the offender agrees in writing to the additional conditions set forth in the notice or order of administrative sanctions, the conditions must be implemented with swiftness and certainty. If the offender does not agree, or if after agreeing the offender fails to fulfill the additional conditions to the satisfaction of the probation agent and his supervisor, then the probation agent may ~~commence revocation proceedings~~ refer the violation to the hearing officer for proceedings under subsection (C). The probation agent shall not commence revocation proceedings before the appropriate revocation authority until the offender has served the appropriate jail sanctions as outlined in Section 24‑21‑430(14) or Section 24‑21‑645(C) unless:

(a) the probation agent has alleged at least one community safety violation;

(b) the offender has a new criminal charge violation; or

(c) the probation agent has alleged a wilful nonpayment of restitution.

(2) Absent wilful nonpayment, failure to pay fines, fees, and restitution shall not result in a sanction that includes confinement. In the event of an allegation of wilful nonpayment, the department may refer the matter to the appropriate revocation authority for an evidentiary hearing. If the appropriate revocation authority finds the offender has wilfully refused to make meaningful payments towards his restitution, then the court may exercise its authority over the offender, up to and including revocation.

(C)(1) In addition to the notice of administrative sanctions, a hearing officer with the department may, as an alternative to sending a case forward to the revoking authority, impose on the offender an order of administrative sanctions. The order may be made only after the hearing officer has made a finding of probable cause at a preliminary hearing that an offender has violated the terms and conditions of any supervision program operated by the department, whether pursuant to statute or a contract with another state agency. ~~The administrative sanctions must be equal to or less restrictive than the sanctions available to the revoking authority, with the exception of revocation.~~ The sanctions must be implemented with swiftness and certainty. The hearing officer shall not commence revocation proceedings before the appropriate revocation authority until the offender has served the appropriate jail sanctions as outlined in Section 24‑21‑430(14) or Section 24‑21‑645(C) unless:

(a) the probation agent has alleged at least one community safety violation;

(b) the offender has a new criminal charge violation; or

(c) the probation agent has alleged a wilful nonpayment of restitution.

(2) Absent wilful nonpayment, failure to pay fines, fees, and restitution shall not result in a sanction that includes confinement. In the event of an allegation of wilful nonpayment, the department may refer the matter to the appropriate revocation authority for an evidentiary hearing. If the appropriate revocation authority finds the offender has wilfully refused to make meaningful payments towards his restitution, then the court may exercise its authority over the offender, up to and including revocation.

(D) The administrative sanctions shall be established by regulations of the department, as set forth by established administrative procedures. The department shall delineate in the regulations a listing of administrative sanctions for the most common types of supervision violations including, but not limited to: failure to report; failure to pay fines, fees, and restitution; failure to participate in a required program or service; failure to complete community service; and failure to refrain from the use of alcohol or controlled substances. The sanctions shall consider the severity of the current violation, the offender’s previous criminal record, the number and severity of previous supervision violations, the offender’s assessment, and the extent to which administrative sanctions were imposed for previous violations. The department, in determining the list of administrative sanctions to be served on an offender, shall ascertain the availability of community‑based programs and treatment options including, but not limited to: inpatient and outpatient substance abuse treatment facilities; day reporting centers; restitution centers; intensive supervision; electronic monitoring; community service; programs to reduce criminal risk factors; and other community‑based options consistent with evidence‑based practices and the imposition of jail sanctions outlined in Section 24‑21‑430(14).

(E) Offenders who are detained awaiting a hearing for a compliance violation shall be released from custody after serving the potential maximum jail sanction time, even if the hearing has not yet taken place, unless new criminal charges have been filed.

(F) Nothing in this section precludes the department from responding to an alleged community safety violation by commencing revocation proceedings before the appropriate revocation authority.

(G) The department shall provide annually to the Sentencing Reform Oversight Committee:

(1) the number of offenders who were placed on administrative sanctions during the prior fiscal year and who were not returned to incarceration within that fiscal year;

(2) the number of offenders who were ordered to serve a term of confinement as outlined in Section 24‑21‑430(14);

(3) the number and percentage of offenders whose supervision programs were revoked for violations of the conditions of supervision and ordered to serve a term of imprisonment after serving a term of imprisonment pursuant to Section 24‑21‑430(14). This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required. The baseline revocation rate shall be the revocation rate in Fiscal Year 2010; and

~~(3)~~(4) the number and percentage of offenders who were convicted of a new offense and sentenced to a term of imprisonment. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required. The baseline revocation rate shall be the revocation rate in Fiscal Year 2010.”

SECTION 8. Section 24‑21‑430 of the 1976 Code is amended to read:

“Section 24‑21‑430. (A) The court may impose by order duly entered and may at any time modify the conditions of probation and may include among them any of the following or any other condition not prohibited in this section; however, the conditions imposed must include the requirement that the probationer must permit the search or seizure, without a search warrant, based on reasonable suspicions, of the probationer’s person, any vehicle the probationer owns or is driving, and any of the probationer’s possessions by:

(1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer, but the conditions imposed upon a probationer who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions.

(B) By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on probation. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

(C) To effectively supervise probationers, the director shall develop policies and procedures for imposing conditions of supervision on probationers. These conditions may enhance but must not diminish court imposed conditions.

The probationer shall:

(1) refrain from the violations of any state or federal penal laws;

(2) avoid injurious or vicious habits;

(3) avoid persons or places of disreputable or harmful character;

(4) permit the probation agent to visit at his home or elsewhere;

(5) work faithfully at suitable employment as far as possible;

(6) pay a fine in one or several sums as directed by the court;

(7) perform public service work as directed by the court;

(8) submit to a urinalysis or a blood test or both upon request of the probation agent;

(9) submit to curfew restrictions;

(10) submit to house arrest which is confinement in a residence for a period of twenty‑four hours a day, with only those exceptions as the court may expressly grant in its discretion;

(11) submit to intensive surveillance which may include surveillance by electronic means;

(12) support his dependents; ~~and~~

(13) follow the probation agent’s instructions and advice regarding recreational and social activities; and

(14) submit to a period or periods of confinement in a local confinement facility. The confinement period provided for in this item may be imposed up to three days for a first jail sanction and up to ten days for a second jail sanction. The suspended sentence may be served at the county detention center on Saturdays and Sundays until the jail sanction is satisfied. The Department of Probation, Parole and Pardon Services is granted authority and discretion to impose the jail sanctions as an administrative sanction, pursuant to Section 24‑21‑110, for a violation of one or more of the standard or special conditions of probation. The confinement period as provided in this item shall not restrict the court in relation to community safety violations or new criminal charge violations.”

SECTION 9. Section 24‑21‑460 of the 1976 Code is amended to read:

“Section 24‑21‑460. Upon ~~such~~ arrest for a community safety violation, a new criminal charge violation, or violations of special conditions that the sentencing court required be heard by the court, the court, or the court within the venue of which the violation occurs, shall cause the defendant to be brought before it and may revoke the probation or suspension of sentence and shall proceed to deal with the case as if there had been no probation or suspension of sentence except that the circuit judge before whom such defendant may be so brought shall have the right, in his discretion, to require the defendant to serve all or a portion only of the sentence imposed. However, if the violations of probation do not include at least one community safety violation or new criminal charge violation, the court shall not revoke the probation unless the defendant has served the jail sanctions or when the defendant refused to comply with the jail sanctions outlined in Sections 24‑21‑110 and 24‑21‑430(14). ~~Should~~ If only a portion of the sentence imposed ~~be~~ is put into effect, the remainder of ~~such~~ the sentence shall remain in full force and effect and the defendant may again, from time to time, be brought before the circuit court so long as all of his sentence has not been served and the period of probation has not expired.”

SECTION 10. Section 24‑21‑610 of the 1976 Code is amended to read:

“Section 24‑21‑610. (A) In all cases cognizable under this chapter the board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, parole a prisoner convicted of a crime and imprisoned in the state penitentiary, in any jail, or upon the public works of any county who if:

(1) sentenced for not more than thirty years has served at least one‑third of the term;

(2) sentenced to life imprisonment or imprisonment for any period in excess of thirty years, has served at least ten years.

(B) If after January 1, 1984, the board finds that the statewide case classification system provided for in Chapter 23 of this title has been implemented, that an intensive supervision program for parolees who require more than average supervision has been implemented, that a system for the periodic review of all parole cases in order to assess the adequacy of supervisory controls and of parolee participation in rehabilitative programs has been implemented, and that a system of contracted rehabilitative services for parolees is being furnished by public and private agencies, then in all cases cognizable under this chapter the board may, upon ten days’ written notice to the solicitor and judge who participated in the trial of any prisoner, to the victim or victims, if any, of the crime, and to the sheriff of the county where the prisoner resides or will reside, parole a prisoner who if sentenced for a violent crime as defined in Section 16‑1‑60, has served at least one‑third of the term or the mandatory minimum portion of sentence, whichever is longer. For any other crime the prisoner shall have served at least one‑fourth of the term of a sentence or if sentenced to life imprisonment or imprisonment for any period in excess of forty years, has served at least ten years.

(C) The provisions of this section do not affect the parole ineligibility provisions for murder, armed robbery, and drug trafficking as set forth respectively in Sections 16‑3‑20 and 16‑11‑330, and subsection (e) of Section 44‑53‑370.

(D) In computing parole eligibility, no deduction of time may be allowed in any case for good behavior, but after June 30, 1981, there must be deductions of time in all cases for earned work credits, notwithstanding the provisions of Sections 16‑3‑20, 16‑11‑330, and 24‑13‑230.

(E) Notwithstanding any other provision of law, parole eligibility is to be computed using an inmate’s active incarcerative sentence. As used in this section, ‘active incarcerative sentence’ means the time an inmate is sentenced to incarceration and does not include any suspended portions of an imposed sentence.

(F) Notwithstanding the provisions of this section, the board may parole any prisoner upon a petition filed by the prisoner, any relevant staff at the Department of Corrections, or an advocate for the prisoner, not sooner than one year prior to the prescribed date of parole eligibility when, based on medical information furnished to it from a medical doctor through the prisoner, the board determines that the physical condition of the prisoner concerned is so serious that he would not be reasonably expected to live for more than one year. The parole board may order parole contingent upon the prisoner residing in an approved residence and abiding by all conditions ordered by the parole board. Notwithstanding any other provision of this section or of law, no prisoner who has served a total of ten consecutive years or more in prison may be paroled until the board has first received a report as to his mental condition and his ability to adjust to life outside the prison from a duly qualified psychiatrist or psychologist.”

SECTION 11. Section 24‑21‑620 of the 1976 Code is amended to read:

“Section 24‑21‑620. (A) Within the ninety‑day period preceding a prisoner having served one‑fourth of his sentence, the board, either acting in a three‑member panel or meeting as a full board, shall review the case, regardless of whether or not any application has been made therefor, for the purpose of determining whether or not such prisoner is entitled to any of the benefits provided for in this chapter; provided, that in cases of prisoners in confinement due to convictions for nonviolent crimes, an administrative hearing officer may be appointed by the director to review the case who must submit to the full board written findings of fact and recommendations which shall be the basis for a determination by the board. Upon an affirmative determination, the prisoner must be granted a provisional parole or parole. Upon a negative determination, the prisoner’s case shall be reviewed every twelve months thereafter for the purpose of such determination.

(B)(1) Notwithstanding any other provision of law to the contrary, each offender who commits an offense, other than a violent crime as defined in Section 16‑1‑60 or a sex offense as defined in Section 16‑3‑652 through 16‑3‑656, and is eligible for parole pursuant to Section 24‑21‑610, shall be released from incarceration to parole supervision on the inmate’s parole eligibility date, without a hearing before the board, if:

(a) the inmate has met the requirements of the intake case plan established for the inmate pursuant to Section 24‑21‑720;

(b) a victim of the offense has not requested the board conduct a hearing;

(c) the inmate has not been convicted of or pleaded guilty to a Level 1 or Level 2 disciplinary offense as defined by the Department of Corrections within twelve consecutive months prior to the administrative parole eligibility date;

(d) the inmate has agreed to the conditions of supervision; and

(e) the inmate has a discharge plan approved by the board.

(2) If the offender has met the conditions provided in item (1)(b)‑(e), he shall be released on administrative parole if the intake case plan was not created for him or the incomplete intake case plan was not the fault of the offender.

(3) At least thirty days prior to an inmate’s parole eligibility date, the Department of Corrections shall notify the board in writing of the inmate’s compliance or noncompliance with the intake case plan. If an inmate fails to meet a requirement of the intake case plan, prior to the parole eligibility date, he shall have a hearing before the board to determine if completion of the intake case plan can occur while in the community.

(4) Any inmate for whom there is insufficient information for the department to determine compliance with the intake case plan shall have a hearing with the board.

(5) A hearing shall be held with the board if requested by the victim following notification of the inmate’s parole release date pursuant to Section 24‑21‑221.

(C) Under this section, an inmate who is released at his parole eligibility date shall be placed on parole. For an inmate whose sentence includes probation, the period of parole supervision is reduced by the term of probation.”

SECTION 12. Article 7, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24‑21‑720. (A) The Department of Corrections shall develop a care plan for all parole eligible inmates to guide an inmate’s rehabilitation while in the Department of Correction’s custody and to reduce the likelihood of recidivism after release.

(B) Within ninety days of admission, the Department of Corrections shall complete this intake case plan, which shall include, but is not limited to:

(1) any programming or treatment requirements contained in the sentencing order;

(2) work and education requirements as determined by the Department of Corrections; and

(3) general behavior requirements in accordance with the rules and policies of the Department of Corrections.”

SECTION 13. Section 24‑21‑645 of the 1976 Code is amended to read:

“Section 24‑21‑645. (A) The board may issue an order authorizing the parole which must be signed either by a majority of its members or by all three members meeting as a parole panel on the case ninety days prior to the effective date of the parole; however, at least two‑thirds of the members of the board must authorize and sign orders authorizing parole for persons convicted of a violent crime as defined in Section 16‑1‑60. A provisional parole order shall include the terms and conditions, if any, to be met by the prisoner during the provisional period and terms and conditions, if any, to be met upon parole.

(B) The conditions of parole must include the requirement that the parolee must permit the search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, and any of the parolee’s possessions by:

(1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

(2) any other law enforcement officer.

However, the conditions of parole for a parolee who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the parolee agree to be subject to search or seizure, without a search warrant, with or without cause, of the parolee’s person, any vehicle the parolee owns or is driving, or any of the parolee’s possessions.

(C) The conditions of parole must also include the requirement that a parolee submit to a period or periods of confinement in a local confinement facility. The confinement period provided for in this subsection may be imposed up to three days for a first jail sanction and up to ten days for a second jail sanction. The suspended sentence may be served at the county detention center on Saturdays and Sundays until the jail sanction is satisfied. The Department of Probation, Parole and Pardon Services is granted authority and discretion to impose the jail sanctions as an administrative sanction, pursuant to Section 24‑21‑110, for a violation of one or more of the standard or special conditions of probation. The confinement period as provided in this subsection shall not restrict the court in relation to community safety violations or new criminal charge violations.

(D) By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on parole. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

~~(D)~~(E) Upon satisfactory completion of the provisional period, the director or one lawfully acting for him must issue an order which, if accepted by the prisoner, shall provide for his release from custody. However, upon a negative determination of parole, prisoners in confinement for a violent crime as defined in Section 16‑1‑60 must have their cases reviewed every two years for the purpose of a determination of parole, except that prisoners who are eligible for parole pursuant to Section 16‑25‑90, and who are subsequently denied parole must have their cases reviewed every twelve months for the purpose of a determination of parole. This subsection applies retroactively to a prisoner who has had a parole hearing pursuant to Section 16‑25‑90 prior to the effective date of this act.”

SECTION 14. Section 24‑21‑660 of the 1976 Code is amended to read:

“Section 24‑21‑660. Any prisoner who has been paroled is subject during the remainder of his original term of imprisonment, up to the maximum, to the conditions and restrictions imposed in the order of parole or by law imposed. Every ~~such~~ paroled prisoner must remain in the jurisdiction of the board and may at any time on the order of the board, be imprisoned as and where therein designated, except that the department must not commence revocation proceedings before the parole board until complying with the limitations provided for in Section 24‑21‑680.”

SECTION 15. Section 24‑21‑680 of the 1976 Code is amended to read:

“Section 24‑21‑680. (A) Upon failure of any prisoner released on parole under the provisions of this chapter to do or refrain from doing any of the things set forth and required to be done by and under the terms of his parole, the parole agent must issue a warrant or citation charging the violation of parole, and a final determination must be made by the board as to whether the prisoner’s parole should be revoked and whether he should be required to serve any part of the remaining unserved sentence. But such prisoner must be eligible to parole thereafter when and if the board thinks such parole would be proper. The board shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed; provided, that any person arrested for violation of terms of parole may be released on bond, for good cause shown, pending final determination of the violation by the Probation, Parole and Pardon Board. No bond shall be granted except by the presiding or resident judge of the circuit wherein the prisoner is arrested, or, if there be no judge within such circuit, by the judge, presiding or resident, in an adjacent circuit, and the judge granting the bond shall determine the amount ~~thereof~~.

(B)(1) The parole agent shall not commence revocation proceedings before the appropriate revocation authority until the prisoner has served the appropriate jail sanctions as outlined in Section 24‑21‑645(C) unless:

(a) the probation agent has alleged at least one community safety violation;

(b) the prisoner has a new criminal charge violation;

(c) the probation agent has alleged a wilful nonpayment of restitution.

(2) Absent wilful nonpayment, failure to pay fines, fees, and restitution shall not result in a sanction that includes confinement. In the event of an allegation of wilful nonpayment, the department may refer the matter to the appropriate revocation authority for an evidentiary hearing. If the appropriate revocation authority finds the prisoner has wilfully refused to make meaningful payments towards his restitution, then the court may exercise its authority over the offender, up to and including revocation.

(C) Prisoners who are detained awaiting a hearing for a compliance violation shall be released from custody after serving the potential maximum jail sanction time, even if the hearing has not yet taken place, unless new criminal charges have been filed.

(D) Nothing in this section precludes the department from responding to an alleged community safety violation by commencing revocation proceedings before the appropriate revocation authority.”

SECTION 16. Section 24‑21‑715 of the 1976 Code is amended to read:

“Section 24‑21‑715. (A) As contained in this section:

(1) ‘Terminally ill’ means an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate terminally ill, and that will likely produce death within two years, and that is so debilitating that the inmate does not pose a public safety risk.

(2) ‘Geriatric’ means an inmate who is ~~seventy~~ sixty years of age or older and ~~suffers from chronic infirmity, illness, or disease related to aging, which has progressed so the inmate is incapacitated as determined by a licensed physician to the extent that the inmate~~ does not pose a public safety risk.

(3) ‘Permanently incapacitated’ means an inmate who no longer poses a public safety risk because of a medical condition that is not terminal but that renders him permanently and irreversibly incapacitated as determined by a licensed physician and which requires immediate and long term residential care.

(B) Notwithstanding another provision of law, only the full parole board, upon a petition filed by the ~~Director of the Department of Corrections~~ inmate, any relevant staff at the Department of Corrections, or an advocate for the inmate, may order the release of an inmate who is terminally ill, geriatric, or permanently incapacitated, or any combination of these conditions if the inmate has completed fifty percent of his sentence and is not incarcerated for the crime of domestic violence as defined in Section 16‑25‑65 or the crimes of criminal sexual conduct as defined in Sections 16‑3‑652 through 16‑3‑656. The fifty percent is to be calculated without the application of any available credits, including good conduct credits, as provided for in Section 24‑13‑210, and earned work and education credits, as provided for in Section 24‑13‑230. With the exceptions of life without parole sentences and sentences for a second or subsequent conviction for violent crimes as defined in Section 16‑1‑60 as prohibited in Section 24‑21‑640, following a separate sentencing for a prior conviction, this section applies to all inmates, regardless of the offense committed, to include those sentenced to a ‘no parole offense’ as defined in Section 24‑13‑100. Convictions for ‘no parole offenses’ before the effective date of this section are not converted into parolable offenses except to the extent specifically provided for in this section. When an inmate petitions for parole pursuant to this section, the inmate shall not be considered for parole under Article 7. This section does apply to inmates serving a life with parole sentence and for purposes of calculating fifty percent of that sentence, a life with parole sentence is presumed to be a thirty year sentence.

(C) The parole ~~order issued by the parole board pursuant to this section must include findings of fact that substantiate a legal and medical conclusion that the inmate is terminally ill, geriatric, permanently incapacitated, or a combination of these conditions, and does not pose a threat to society or himself~~ board shall not deny parole for any reason except a determination based on objective evidence that causes the board to conclude it is more likely than not that the inmate poses a threat to society, the victim, or himself. In considering parole under this section, the parole board shall not rely in any manner on the facts and circumstances related to the original offense. However, nothing in this section shall prohibit the parole board from having knowledge of the facts and circumstances related to the original offense. If the parole board finds that an inmate poses a threat to society, the victim, or himself, the parole order issued by the parole board must include a finding or findings of fact specific to the inmate to substantiate the board’s conclusion. ~~It also~~ The parole order must contain the requirements for the inmate’s supervision and conditions for his participation and removal. The parole board may order parole contingent upon the inmate residing in an approved residence and abiding by all conditions ordered by the parole board.

(D) An inmate granted a parole pursuant to this section is under the supervision of the Department of Probation, Parole and Pardon Services. ~~The inmate must reside in an approved residence and abide by all conditions ordered by the parole board.~~ The department is responsible for supervising an inmate’s compliance with the conditions of the parole board’s order as well as monitoring the inmate in accordance with the department’s policies.

(E) ~~The department shall retain jurisdiction for all matters relating to the parole granted pursuant to this section and conduct an annual review of the inmate’s status to ensure that he remains eligible for parole pursuant to this section. If the department determines that the inmate is no longer eligible to participate in the parole set forth in this section, a probation agent must issue a warrant or citation charging a violation of parole and the board shall proceed pursuant to the provisions of Section 24‑21‑680.~~ In the event the inmate is denied parole pursuant to this section, the inmate shall be reconsidered by the board:

(1) every year for an inmate serving for a nonviolent offense, or if the inmate is terminally ill or permanently incapacitated; or

(2) every two years for an inmate who is geriatric and is serving a sentence for a violent offense as defined in Section 16‑1‑60 or for a ‘no parole offense’ as defined in Section 24‑13‑100.

(F) In the event of a violation or violations of the conditions of parole under this section, the department will conduct violation proceedings pursuant to Sections 24‑21‑660 and 24‑21‑680.”

SECTION 17. Chapter 27, Title 24 of the 1976 Code is amended by adding:

“Article 7

Sentence Modification

Section 24‑27‑710. (A) Notwithstanding any other provision of law, upon a petition filed with the solicitor and the sentencing judge, if available, or if unavailable, another general sessions court judge in the circuit where the conviction arose, the court may modify the sentence of an inmate who has been incarcerated for at least a continuous fifteen‑year period for any sentence of imprisonment.

(B) After an inmate files an initial petition pursuant to this section, he may file a future petition no earlier than two years following each petition’s denial.

(C) This section only applies to an inmate who has completed a rehabilitation program, an education program, or who has exhibited exemplary conduct.”

SECTION 18. Section 24‑13‑150 of the 1976 Code is amended to read:

“Section 24‑13‑150. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a ‘no parole offense’ as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, is not eligible for early release, discharge, or community supervision as provided in Section 24‑21‑560, until the inmate has served at least ~~eighty‑five~~ sixty‑five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

(B) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.

(C) An inmate who has served at least sixty‑five percent of his sentence for a ‘no parole offense’ and is not eligible for parole may petition the sentencing judge, if available, or, if unavailable, another general sessions court judge in the circuit from which the conviction arose, to modify his sentence. This subsection only applies to an inmate who has completed a rehabilitation program, an education program, or has exhibited exemplary conduct.”

SECTION 19. Section 24‑13‑210(B) of the 1976 Code is amended to read:

“(B) An inmate convicted of a ‘no parole offense’ against this State as defined in Section 24‑13‑100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of ~~three~~ six days for each month served. However, no inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No inmate convicted of a ‘no parole offense’ is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.”

SECTION 20. Section 24‑13‑230(B) of the 1976 Code is amended to read:

“(B) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a ‘no parole offense’ as defined in Section 24‑13‑100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20 or Section 24‑3‑30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of ~~six~~ twelve days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16‑3‑20 is entitled to credits under this provision. No prisoner convicted of a ‘no parole offense’ is entitled to a reduction below the minimum term of incarceration provided in Section 24‑13‑125 or 24‑13‑150. A maximum annual credit for both work credit and education credit is limited to ~~seventy‑two~~ one hundred forty‑four days.”

PART III

Minimum Sentences, Penalty Provisions

SECTION 21. Section 1‑7‑400 of the 1976 Code is amended to read:

“Section 1‑7‑400. Any circuit solicitor who shall, while in the public discharge of the duties of his office, be drunk or intoxicated or in any extent disabled by reason of the use of intoxicating liquors from the proper discharge of his duties shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars and imprisoned not ~~less than one month nor~~ more than one year, in the discretion of the court, and shall be dismissed from his office. And whenever it shall be brought to the attention of the Attorney General that any circuit solicitor has been charged with an offense mentioned in this section, he shall prepare a bill of indictment against such officer and prosecute it in the county where the offense was committed. And if such officer is duly convicted, the Attorney General shall cause to be forwarded to the Governor of the State a record of such conviction, upon the receipt of which the Governor shall forthwith declare the office to be vacant and order an election to fill it.”

SECTION 22. Section 1‑11‑26 of the 1976 Code is amended to read:

“Section 1‑11‑26. (A) Grant funds received by a public entity from the Rural Infrastructure Authority must be deposited in a separate fund and may not be commingled with other funds, including other grant funds. Disbursements may be made from this fund only on the written authorization of the individual who signed the grant application filed with the division, or his successor, and only for the purposes specified in the grant application. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for not more than six months, or both.

(B) It is not a defense to an indictment alleging a violation of this section that grant funds received were used by a grantee or subgrantee for governmental purposes other than those specified in the grant application or that the purpose for which the grant was made was accomplished by funds other than grant funds.

(C) The Division of Local Government of the Rural Infrastructure Authority shall furnish a copy of this section to a grantee when the grant is awarded.”

SECTION 23. Section 2‑17‑50(B) of the 1976 Code is amended to read:

“(B) After the maximum civil penalty has been levied and the requirement statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned for not ~~less than a mandatory minimum of thirty days~~ more than six months, or both;

(3) for a third or subsequent offense, guilty of a misdemeanor and must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.”

SECTION 24. Section 4‑11‑60 of the 1976 Code is amended to read:

“Section 4‑11‑60. Each county officer shall be required to purchase and keep in his office, open to public inspection during office hours, a book in which shall be kept an itemized account of all moneys received by or due him, whether received by him or due to him as salary, fees or costs or in any other manner, as pay for him for his services by virtue of his office; provided, that nothing herein contained shall be construed to require any officer to demand the payment of his fees and costs in advance. Any county officer neglecting or refusing to comply with any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty nor more than two hundred dollars or imprisoned in the county jail not ~~less than two nor~~ more than six months, either or both at the discretion of the court.”

SECTION 25. Section 5‑21‑130 of the 1976 Code is amended to read:

“Section 5‑21‑130. Whenever a municipal corporation shall levy and collect a tax for any specific purpose, it shall be unlawful for the officers or agents of such municipal corporation to apply any of the proceeds of such tax levy to any other purpose than that for which it was collected, until such purpose shall have been discharged, fulfilled or abandoned. Any municipal officer or agent violating the provisions of this section shall be fined in a sum of not less than five hundred dollars or imprisoned not ~~less~~ more than six months, or both, in the discretion of the judge.”

SECTION 26. Section 5‑21‑500 of the 1976 Code is amended to read:

“Section 5‑21‑500. Any member of any municipal council or any commissioner who shall vote to divert money applicable to the payment of principal or interest of bonds or to the sinking fund or cushion fund for them and any disbursing officer who shall pay out any moneys applicable thereto, whether or not such payment has been ordered by the municipal council, the commissioners or any officer or agent of either, shall be guilty of a misdemeanor and shall be punished by imprisonment for a term of not ~~less than thirty days nor~~ more than one year and by a fine of not less than two hundred dollars nor more than five hundred dollars, either or both, within the discretion of the court.”

SECTION 27. Section 5‑25‑40 of the 1976 Code is amended to read:

“Section 5‑25‑40. Each hospital operating over ten beds and all public schools located in a city or town in this State in which there is a general fire alarm station and an electrically operated fire alarm system shall be equipped with a fire alarm box of the type and character used in such city or town, to be located on the premises at such place as the chief of the fire department may direct, and when such box is installed by such hospital or public school, the municipal authorities shall connect such box with the general fire alarm system and shall thereafter maintain such box in good repair, and such municipal authorities or their agents may enter every such hospital or school at any reasonable time for the purpose of inspecting and repairing any such box. The failure so to install and equip any such hospital or public school shall be a misdemeanor and punishable by a fine of not less than fifty dollars and not more than one hundred dollars or by imprisonment for a period of ~~not less than ten days and~~ not more than thirty days at the discretion of the court.”

SECTION 28. Section 5‑31‑20 of the 1976 Code is amended to read:

“Section 5‑31‑20. No person shall turn, remove, raise or in any manner tamper with any cover of any manhole, filter, bed or other appurtenance of any public sewer without a written permit from the proper authorities of such works and no person except those engaged by the proper authorities shall enter any public sewer without a special written permit.

And no person shall, either within or without any city or town, obstruct, damage or injure any pipe, ditch, drain, filter, beds or appurtenance of any waterworks, sewerage or drainage of any such city or town.

Every person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed one hundred dollars or imprisonment for not more than thirty days.”

SECTION 29. Section 7‑13‑1910 of the 1976 Code is amended to read:

“Section 7‑13‑1910. Any unauthorized person found in possession of any voting machine key shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty‑five nor more than five hundred dollars ~~and~~ or imprisoned ~~in jail~~ not ~~less than ten nor~~ more than ninety days, or both ~~so fined and imprisoned~~, in the discretion of the court.”

SECTION 30. Section 7‑13‑1920 of the 1976 Code is amended to read:

“Section 7‑13‑1920. Any person who wilfully tampers with or attempts to tamper with, disarrange, deface or impair, in any manner whatsoever, or destroy any such voting machine while it is in use at any election or who shall, after such machine is locked in order to preserve the registration or record of any election made by it, tamper with or attempt to tamper with such machine or who instigates, aids or abets any other person in any case herein mentioned, with intent to destroy or change the record of votes on a voting machine, shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for not ~~less than three months nor~~ more than three years.”

SECTION 31. Section 8‑1‑40 of the 1976 Code is amended to read:

“Section 8‑1‑40. Any clerk of the circuit court, county sheriff or magistrate who shall neglect or refuse immediately to pay over, as required, any and all fines and penalties collected by him in any criminal cause or proceeding shall, on conviction thereof, be subject to a fine of not less than one hundred nor more than one thousand dollars and imprisonment for not ~~less than three nor~~ more than six months and shall be dismissed from office and disqualified from holding any office of trust and profit under this State.”

SECTION 32. Section 8‑3‑60 of the 1976 Code is amended to read:

“Section 8‑3‑60. It shall be unlawful for any person to assume or attempt to assume the duties of any office for which a bond is required, without having given the bond required. Any person assuming or attempting to assume the duties of any office as aforesaid shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars or imprisonment for not ~~less~~ more than ~~three~~ six months, in the discretion of the court.”

SECTION 33. Section 8‑13‑1510 of the 1976 Code is amended to read:

“Section 8‑13‑1510. (A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not ~~less than a mandatory minimum of thirty~~ more than sixty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.”

SECTION 34. Section 10‑7‑230 of the 1976 Code is amended to read:

Section 10‑7‑230. Any officer, official or trustee, upon whom the duties provided in this chapter devolve, who fails or refuses to carry out such provisions, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than twenty‑five dollars, nor more than one hundred dollars, or imprisoned not ~~less than ten nor~~ more than thirty days.”

SECTION 35. Section 10‑9‑260 of the 1976 Code is amended to read:

“Section 10‑9‑260. Any person wilfully interfering with, molesting, or obstructing or attempting to interfere with, molest, or obstruct the State or the Department of Health and Environmental Control or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams, or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the department shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not ~~less than one nor~~ more than twelve months, or both, at the discretion of the court.”

SECTION 36. Section 11‑15‑90 of the 1976 Code is amended to read:

“Section 11‑15‑90. If any disbursing officer shall fail or refuse to make payment of any obligations when they shall fall due, at his office, or shall fail or refuse to remit funds for such payment to the agreed place for payment in sufficient time for such payment, funds for such payment being in his hands, whether or not such payments or remission for payment shall have been ordered by any board or officer, the disbursing officer so failing or refusing shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for a term of ~~not less than thirty days and~~ not more than one year and a fine of not less than two hundred dollars and not more than five hundred dollars, either or both within the discretion of the court.”

SECTION 37. Section 11‑15‑290 of the 1976 Code is amended to read:

“Section 11‑15‑290. The failure of the custodian of any such sinking fund to make such investments in accordance with the provisions of this article shall be a misdemeanor, and upon conviction thereof he shall be liable to a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment for not ~~less than thirty days nor~~ more than one year or both.”

SECTION 38. Section 12‑21‑2470 of the 1976 Code is amended to read:

“Section 12‑21‑2470. If any person operates a place of amusement for which a license is required without having first secured the license and posted it in accordance with the provisions of this article he shall be guilty of a misdemeanor and, upon conviction, fined not less than twenty dollars nor more than one hundred dollars or imprisoned not ~~less than ten days nor~~ more than thirty days. Each day that such business is operated shall constitute a separate offense.”

SECTION 39. Section 12‑21‑2830 of the 1976 Code is amended to read:

“Section 12‑21‑2830. Every person subject to a tax imposed by this chapter shall keep a record showing the value and the gross receipts derived from engaging in any business taxable under this chapter as shall be required by the department and such record shall at all times be subject to inspection by any agent of the department. If any person required under the provisions of this chapter to keep any records, books or papers (a) fails to keep such true and correct records, books or papers, either or all, (b) fails or refuse to submit them for the inspection of the department or its duly authorized agent or (c) willfully makes a false or fraudulent return, such person shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars or imprisonment of not ~~less than thirty days or~~ more than twelve months or both, in the discretion of the court.”

SECTION 40. Section 12‑21‑3080 of the 1976 Code is amended to read:

“Section 12‑21‑3080. Any person subject to this tax engaging in or permitting such practices as are prohibited by regulations of the department or in any other practice which makes it difficult to enforce the provisions of this chapter by inspection and any person who shall, upon demand of any officer or agent of the department, refuse to allow full inspection of the premises or any part thereof or who shall hinder or in anywise delay or prevent such inspection when demand is made therefor shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty dollars nor more than two hundred dollars for each offense or imprisoned for a period not ~~less than ten nor exceeding~~ more than sixty days, or both, in the discretion of the court.”

SECTION 41. Section 12‑37‑1130 of the 1976 Code is amended to read:

“Section 12‑37‑1130. If any person shall wilfully deliver any statement to the South Carolina Department of Revenue concerning “no situs” property containing a false statement of a material fact, whether it be an owner, shipper, his agent or a storage or warehouseman or his agent, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment of not ~~less than ten days nor~~ more than six months.”

SECTION 42. Section 12‑54‑44(D) of the 1976 Code is amended to read:

“(D) A machine owner or distributor, as defined in Article 20, Chapter 21 ~~of this title~~, who allows or causes a machine to be operated without a metering device, or who wilfully places a machine on location or who wilfully allows or causes a machine to be operated with a metering device that does not accurately record the information required under Article 20, Chapter 21, ~~of this title~~ is guilty of a felony and, upon conviction, must be imprisoned for not ~~less than one year nor~~ more than ten years, without benefit of probation, parole, or suspension of sentence, and in addition may be fined not more than twenty‑five thousand dollars.”

SECTION 43. Section 14‑9‑240 of the 1976 Code is amended to read:

“Section 14‑9‑240. The county judge and county solicitor shall not practice as attorneys at law in any cause or matter of which the county court has jurisdiction or may acquire jurisdiction. Upon conviction of any willful violation of this section the offender shall be adjudged to have forfeited his office and shall be sentenced to pay a fine of not less than two hundred nor more than five hundred dollars and be imprisoned for a period of not ~~less than one month nor~~ more than six months. But the county solicitor may practice in all causes and matters on the civil side of said court.”

SECTION 44. Section 14‑25‑65(A) of the 1976 Code is amended to read:

“(A) If a municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for not more than thirty days, or both. In addition, a municipal judge may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates court provided in Section 22‑3‑10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.”

SECTION 45. Section 15‑43‑70 of the 1976 Code is amended to read:

“Section 15‑43‑70. In case of the violation of any injunction granted under the provisions of this chapter the court or, in vacation, a judge thereof may summarily try and punish the offender. The proceeding shall be commenced by filing with the clerk of the court a complaint, under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may at any stage of the proceedings demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment in the county jail or State Penitentiary not ~~less than three months nor~~ more than six months, or by both fine and imprisonment.”

SECTION 46. Section 16‑3‑610 of the 1976 Code is amended to read:

“Section 16‑3‑610. If a person is convicted of an offense pursuant to Section 16‑3‑29, 16‑3‑600, or manslaughter, and the offense is committed with a deadly weapon of the character as specified in Section 16‑23‑460 carried or concealed upon the person of the defendant, the judge shall, in addition to the punishment provided by law for such offense, sentence the person to imprisonment for the misdemeanor offense for not ~~less than three months nor~~ more than twelve months, or a fine of not less than two hundred dollars, or both.”

SECTION 47. Section 16‑3‑625 of the 1976 Code is amended to read:

“Section 16‑3‑625. A person who resists the lawful efforts of a law enforcement officer to arrest him or another person with the use or threat of use of a deadly weapon against the officer, and the person is in possession or claims to be in possession of a deadly weapon, is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten ~~nor less than two~~ years. ~~No sentence imposed hereunder for a first offense shall be suspended to less than six months nor shall the persons so sentenced be eligible for parole until after service of six months. No person sentenced under this section for a second or subsequent offense shall have the sentence suspended to less than two years nor shall the person be eligible for parole until after service of two years.~~

As used in this section ‘deadly weapon’ means any instrument which can be used to inflict deadly force.

This section does not ~~affect or replace the common law crime of assault and battery with intent to kill nor does it~~ apply if the sentencing judge, in his discretion, elects to sentence an eligible defendant under the provisions of the ‘Youthful Offenders Act’.”

SECTION 48. Section 16‑3‑755(C) of the 1976 Code is amended to read:

“(C) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity 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.”

SECTION 49. Section 16‑3‑1045(B) of the 1976 Code is amended to read:

“(B) Any person who violates subsections (A)(1) or (A)(2) is guilty of a felony and, upon conviction, must be punished by a term of imprisonment of not ~~less than five years nor~~ more than fifteen years. Each violation of this section constitutes a separate offense.”

SECTION 50. Section 16‑3‑1280 of the 1976 Code is amended to read:

“Section 16‑3‑1280. Any person who knowingly makes a false claim or a false statement in connection with any claim hereunder is guilty of a misdemeanor and upon conviction must be punishable by a fine of not less than five hundred dollars or by a term of imprisonment for not ~~less~~ more than one year, or both, and shall further forfeit all money received hereunder, if any.”

SECTION 51. Section 16‑3‑1710(C) of the 1976 Code is amended to read:

“(C) In addition to the penalties provided in this section, a person convicted of harassment in the second degree who received licensing or registration information pursuant to Article 4 of Chapter 3 of Title 56 and used the information in furtherance of the commission of the offense under this section must be fined two hundred dollars or imprisoned for not more than thirty days, or both.”

SECTION 52. Section 16‑3‑1720(D) of the 1976 Code is amended to read:

“(D) In addition to the penalties provided in this section, a person convicted of harassment in the first degree who received licensing or registration information pursuant to Article 4 of Chapter 3 of Title 56 and used the information in furtherance of the commission of the offense under this section must be fined one thousand dollars or imprisoned for not more than one year, or both.”

SECTION 53. Section 16‑3‑1730(D) of the 1976 Code is amended to read:

“(D) In addition to the penalties provided in this section, a person convicted of stalking who received licensing or registration information pursuant to Article 4, Chapter 3 of Title 56 and used the information in furtherance of the commission of the offense pursuant to this section must be fined one thousand dollars or imprisoned for not more than one year, or both.”

SECTION 54. Section 16‑3‑1770(C)(1) of the 1976 Code is amended to read:

“(1) ‘Violation of this order is a criminal offense punishable by up to thirty days in jail, a fine of five hundred dollars, or both.’; and”

SECTION 55. Section 16‑3‑2090(D) of the 1976 Code is amended to read:

“(D) A person who uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture except for innocent owners, rental agencies, lienholders, and the like as provided for in this section, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not ~~less than thirty days nor~~ more than one year, fined not more than five thousand dollars, or both. The penalties prescribed in this section are cumulative and must be construed to be in addition to any other penalty prescribed by another provision of this article.”

SECTION 56. Section 16‑9‑230 of the 1976 Code is amended to read:

“Section 16‑9‑230. No person holding an office or position of trust or profit in this State or in the public institutions thereof shall accept rebates or extra compensation in addition to that provided by law. Any person violating the provisions of this section shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars or be imprisoned for not ~~less than three months nor~~ more than five years.

This section shall not apply to officers accepting rebates not for their individual use but for the benefit and in behalf of the State.”

SECTION 57. Section 16‑9‑250 of the 1976 Code is amended to read:

“Section 16‑9‑250. It shall be a misdemeanor for any sheriff or other peace officer in South Carolina to make any charge for the arrest, detention, conveying or delivering of any person charged with the commission of crime in this State, except the mileage and necessary expenses as now provided by law. Any sheriff or other officer who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty five dollars nor more than two hundred dollars or imprisoned ~~not less than thirty days and~~ not more than six months, or both fined and imprisoned at the discretion of the court.”

SECTION 58. Section 16‑11‑130 of the 1976 Code is amended to read:

“Section 16‑11‑130. Any person who (a) wilfully and with intent to injure or defraud an insurer sets fire to or burns or causes to be burned or (b) aids, counsels, or procures the burning of any goods, wares, merchandise, or other chattels or personal property of any kind, whether the property of himself or of another, which is at the time insured by any person against loss or damage by fire is guilty of a felony and, upon conviction, must be imprisoned for not ~~less than one nor~~ more than five years.”

SECTION 59. Section 16‑11‑180 of the 1976 Code is amended to read:

“Section 16‑11‑180. Any person who carelessly or negligently sets fire to or burns any grass, brush, leaves, or other combustible matter on any lands so as to cause or allow fire to spread or to be transmitted to the lands or property of another, or to burn or injure the lands or property of another, or who causes the burning to be done or who aids or assists in the burning, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not ~~less than five days nor~~ more than thirty days or be fined not less than twenty five dollars nor more than two hundred dollars. For a second or subsequent offense the sentence must be imprisonment for not ~~less than thirty days nor~~ more than one year, or a fine of not less than one hundred dollars nor more than five hundred dollars, or both, in the discretion of the court.”

SECTION 60. Section 16‑11‑350 of the 1976 Code is amended to read:

“Section 16‑11‑350. Any person or persons who (a) may stop, cause to be stopped, impede or cause to be impeded any locomotive engine or any car on any railroad in this State by force or threats or by intimidation of those in charge thereof or otherwise for the purpose of taking therefrom or causing to be delivered up to such persons or person anything of value to be appropriated to his or their own use or (b) may conspire together so to do shall be guilty of train robbery and, on conviction thereof, shall be punished by confinement in the Penitentiary not ~~less than two years nor~~ more than twenty years.”

SECTION 61. Section 16‑11‑360 of the 1976 Code is amended to read:

“Section 16‑11‑360. Any and all persons who may hereafter enter upon any locomotive engine or car on any railroad in this State and by threats, the exhibition of deadly weapons or the discharge of any pistol or gun on or near any such engine or car induce or compel any person on such engine or car to submit and deliver up or allow to be taken therefrom or from him or them anything of value shall be guilty of train robbery and, on conviction thereof, shall be punished by imprisonment in the Penitentiary not ~~less than ten years nor~~ more than twenty years.”

SECTION 62. Section 16‑11‑510 of the 1976 Code is amended to read:

“Section 16‑11‑510. (A) It is unlawful for a person to wilfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the injury to the property or the property loss is worth more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned, not more than thirty days, or both.”

SECTION 63. Section 16‑11‑520 of the 1976 Code is amended to read:

“Section 16‑11‑520. (A) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit any other trespass upon real property of another.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the injury to the property or the property loss is worth more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 64. Section 16‑11‑535 of the 1976 Code is amended to read:

“Section 16‑11‑535. Whoever shall wilfully, unlawfully, and maliciously vandalize, deface, damage, or destroy or attempt to vandalize, deface, damage, or destroy any place, structure, or building of worship or aid, agree with, employ, or conspire with any person to do or cause to be done any of the acts mentioned above is guilty of a felony and, upon conviction, must be imprisoned not ~~less than six months nor~~ more than ten years or fined not more than ten thousand dollars, or both.”

SECTION 65. Section 16‑11‑590 of the 1976 Code is amended to read:

“Section 16‑11‑590. It shall be unlawful for any person to cut, collect, break or otherwise destroy sea oat plants, ~~Venus’s~~ Venus‑flytrap plants or any part on public property or on private property without the owner’s consent. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned not more than thirty days ~~nor less than five days~~. Each violation shall constitute a separate offense.”

SECTION 66. Section 16‑11‑650(A) of the 1976 Code is amended to read:

“(A) A person, other than the owner or a person acting under the authority of the owner, who wilfully and knowingly removes, destroys, or leaves down any portion of a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who wilfully and knowingly leaves open or removes a gate or leaves down bars or other structure intended for the same purpose is guilty of a misdemeanor and must be punished by a fine of one thousand dollars or imprisonment for not more than thirty days, or both.”

SECTION 67. Section 16‑13‑10(B) and (C) of the 1976 Code is amended to read:

“(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the amount of the forgery is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the amount of the forgery is less than ten but more than five thousand dollars~~.~~;

(3) misdemeanor and upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both, if the amount of the forgery is five thousand dollars or less.

(C) If the forgery does not involve a dollar amount, the person is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ~~three years~~ one year, or both.”

SECTION 68. Section 16‑13‑30 of the 1976 Code is amended to read:

“Section 16‑13‑30. (A) Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of personalty of which by law larceny may be committed, or of any fixture, part, or product of the soil severed from the soil by an unlawful act, or has a value of two thousand dollars or less, is petit larceny, a misdemeanor, triable in the magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.

(B) Larceny of goods, chattels, instruments, or other personalty valued in excess of two thousand dollars is grand larceny. Upon conviction, the person is guilty of a ~~felony and must be fined in the discretion of the court or imprisoned not more than~~:

(1) misdemeanor and must be fined in the discretion of the court or imprisoned not more than one year if the value of the personalty is more than two thousand dollars but not more than five thousand dollars;

(2) felony and must be fined in the discretion of the court or imprisoned not more than five years if the value of the personalty is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

~~(2)~~(3) felony and must be fined in the discretion of the court or imprisoned not more than ten years if the value of the personalty is ten thousand dollars or more.”

SECTION 69. Section 16‑13‑40 of the 1976 Code is amended to read:

“Section 16‑13‑40. (A) It is unlawful for a person to steal or take by robbery a bond, warrant, bill, or promissory note for the payment or securing the payment of money belonging to another.

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the instrument stolen or taken has a value of two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days;

(2) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the instrument stolen or taken is more than two thousand dollars but not more than five thousand dollars;

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the instrument stolen or taken is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

~~(3)~~(4) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the instrument stolen or taken has a value of ten thousand dollars or more.”

SECTION 70. Section 16‑13‑50 of the 1976 Code is amended to read:

“Section 16‑13‑50. (A) A person convicted of the larceny of a horse, mule, cow, hog, or any other livestock is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twenty‑five hundred dollars, or both, if the value of the livestock is ten thousand dollars or more;

(2) felony and, upon conviction, must be imprisoned not more than five years or fined not more than five hundred dollars, or both, if the value of the livestock is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the livestock is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the livestock is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

(B) A motor vehicle or other chattel used by or found in possession of a person engaged in the commission of a crime under this section is subject to confiscation and must be confiscated and sold under the provisions of Section 27‑21‑10.”

SECTION 71. Section 16‑13‑66(A) of the 1976 Code is amended to read:

“(A) A person violating the provision of Section 16‑13‑65 is guilty of a misdemeanor and, upon conviction:

(1) for the first offense, must be fined an amount not to exceed one thousand dollars or imprisoned for a term not to exceed one year, or both, and shall pay restitution to the culturist an amount determined by the court. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(2) for a second offense, must be fined an amount not to exceed two thousand dollars or imprisoned for a term not ~~less than two months and thirty days community service nor~~ more than one year, or both, and shall pay restitution to the culturist an amount determined by the court. Furthermore, all equipment, including, but not limited to, vehicles, fishing devices, coolers, and nets must be seized and forfeited to the court.

(3) for a third or subsequent offense, must be fined an amount not to exceed five thousand dollars or imprisoned for a term not ~~less than six months nor~~ more than two years, or both, and shall pay restitution to the culturist an amount determined by the court. Furthermore, all equipment, including, but not limited to, vehicles, fishing devices, coolers, and nets must be seized and forfeited to the court.”

SECTION 72. Section 16‑13‑70 of the 1976 Code is amended to read:

“Section 16‑13‑70. (A) It is unlawful for a person to steal, take away, or let loose any boat, piragua, or canoe; or steal or take away any grappling, painter, rope, sail, or oar from any landing or place where the owner or person in whose service or employ the thing stolen, taken away, or let loose was last attached or laid, except boats or canoes let loose from another boat, canoe, or vessel.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the value of the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the property is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the property is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days.

(C) In addition to the punishment specified in this section, the person must make good to the person injured all damages sustained and, if the matter be a trespass only, the person committing the offense shall make good to the person injured all damages that accrued.”

SECTION 73. Section 16‑13‑110 of the 1976 Code is amended to read:

“Section 16‑13‑110. (A) A person is guilty of shoplifting if he:

(1) takes possession of, carries away, transfers from one person to another or from one area of a store or other retail mercantile establishment to another area, or causes to be carried away or transferred any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use, or benefit of the merchandise without paying the full retail value;

(2) alters, transfers, or removes any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise;

(3) transfers any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days if the value of the shoplifted merchandise is two thousand dollars or less;

(2) misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, if the value of the shoplifted merchandise is more than two thousand dollars but not more than five thousand dollars;

(3) felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both, if the value of the shoplifted merchandise is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

~~(3)~~(4) felony and, upon conviction, must be imprisoned not more than ten years if the value of the shoplifted merchandise is ten thousand dollars or more.”

SECTION 74. Section 16‑13‑180 of the 1976 Code is amended to read:

“Section 16‑13‑180. (A) It is unlawful for a person to buy, receive, or possess stolen goods, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the property theft.

(B) It is unlawful for a person to knowingly receive or possess property from an agent of a law enforcement agency that was represented to the person by the same or other agent of the law enforcement agency as stolen. For purposes of this section, the person receiving or possessing the property need not know the person is receiving or has received the property from an agent of a law enforcement agency, and the property need not be actually stolen.

(C) A person who violates this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days;

(2) misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than ~~three years~~ one year, if the value of the property is more than two thousand dollars but ~~less~~ not more than ~~ten~~ five thousand dollars; or

(3) felony and, upon conviction, must be fined not less than one thousand five hundred dollars or imprisoned not more than five years, if the value of the property is more than five thousand dollars but less than ten thousand dollars;

(4) felony and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than ten years, if the value of the property is ten thousand dollars or more.

(D) For purposes of this section, the receipt of multiple items in a single transaction or event constitutes a single offense.

(E) For purposes of this section, multiple offenses occurring within a ninety‑day period may be aggregated into a single count with the aggregated value used to determine whether the violation is a misdemeanor or felony as provided in subsection (C).”

SECTION 75. Section 16‑13‑230 of the 1976 Code is amended to read:

“Section 16‑13‑230. (A) A person committing a breach of trust with a fraudulent intention or a person who hires or counsels another person to commit a breach of trust with a fraudulent intention is guilty of larceny.

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the amount is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days;

(2) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the amount is more than two thousand dollars but not more than five thousand dollars;

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

~~(3)~~(4) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount is ten thousand dollars or more.”

SECTION 76. Section 16‑13‑240 of the 1976 Code is amended to read:

“Section 16‑13‑240. A person who by false pretense or representation obtains the signature of a person to a written instrument or obtains from another person any chattel, money, valuable security, or other property, real or personal, with intent to cheat and defraud a person of that property is guilty of a:

(1) felony and, upon conviction, must be fined not more than five hundred dollars and imprisoned not more than ten years if the value of the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the property is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the property is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.”

SECTION 77. Section 16‑13‑260 of the 1976 Code is amended to read:

“Section 16‑13‑260. A person who falsely and deceitfully obtains or gets into his hands or possession any money, goods, chattels, jewels, or other things of another person by color and means of any false token or counterfeit letter made in another person’s name is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the property is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the value of the property is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 78. Section 16‑13‑300 of the 1976 Code is amended to read:

“Section 16‑13‑300. Whoever, with intent to defraud, removes or secretes personal property which has been attached or levied on by the sheriff or any other officer authorized by law to make such attachment or levy shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for a period not ~~less than sixty days nor~~ more than one year or by fine of not less than one hundred dollars nor more than two hundred dollars.”

SECTION 79. Section 16‑13‑420 of the 1976 Code is amended to read:

“Section 16‑13‑420. (A) A person having any property in his possession or under his control by virtue of a lease or rental agreement is guilty of larceny if he:

(1) wilfully and fraudulently fails to return the property within seventy‑two hours after the lease or rental agreement has expired;

(2) fraudulently secretes or appropriates the property to any use or purpose not within the due and lawful execution of the lease or rental agreement.

The provisions of this section do not apply to lease‑purchase agreements or conditional sales type contracts.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the rented or leased item is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the rented or leased item is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the value of the rented or leased item is more than two thousand dollars but not more than ten thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the rented or leased item is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.”

SECTION 80. Section 16‑13‑430 of the 1976 Code is amended to read:

“Section 16‑13‑430. (A) It is unlawful for a person to:

(1) obtain, attempt to obtain, aid, abet, or assist any person to obtain, by means of a false statement or representation, false impersonation, fictitious transfer, conveyance, or other fraudulent device, food stamps or coupons to which an applicant is not entitled or a greater amount of food stamps or coupons than that which an applicant is justly entitled; or

(2) to acquire, possess, use, or transfer food stamps or coupons except as authorized by law and the rules and regulations of the United States Department of Agriculture relating to these matters.

(B) It is unlawful for a person to acquire or transfer food stamps or coupons except in exchange for food or food products for human consumption, which do not include alcoholic beverages, tobacco, beer, or wine.

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

(1) felony if the amount of food stamps fraudulently acquired or used is of a value of ten thousand dollars or more. Upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than ten years, or both;

(2) felony if the amount of food stamps fraudulently acquired or used is of a value of more than ~~two~~ five thousand dollars but less than ten thousand dollars. Upon conviction, the person must be fined not more than ~~five hundred~~ two thousand dollars or imprisoned not more than five years, or both;

(3) misdemeanor if the amount of food stamps fraudulently acquired or used is of a value of more than two thousand dollars but not more than five thousand dollars. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year, or both;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the amount of food stamps fraudulently acquired or used is of a value of two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

(D) A mercantile establishment which allows purchases of prohibited items in exchange for food stamps or coupons or currency of the United States must be disqualified from participation in the food stamp program for a period not to exceed two years and fined not more than five thousand dollars, or both.”

SECTION 81. Section 16‑14‑60 of the 1976 Code is amended to read:

“Section 16‑14‑60. ~~(a)~~(A) A person is guilty of financial transaction card fraud when, with intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, he:

(1) uses for the purpose of obtaining money, goods, services, or anything else of value a financial transaction card obtained or retained, or which was received with knowledge that it was obtained or retained, in violation of Section 16‑14‑20 or 16‑14‑40 or a financial transaction card which he knows is forged, altered, expired, revoked, or was obtained as a result of a fraudulent application in violation of Section 16‑14‑40(c);

(2) obtains money, goods, services, or anything else of value by:

a. representing without the consent of the specified cardholder that he has permission to use it;

b. presenting the financial transaction card without the authorization or permission of the cardholder;

c. representing that he is the holder of a card and the card has not in fact been issued;

d. using a financial transaction card to knowingly and wilfully exceed:

(i) the actual balance of a demand deposit account or time deposit account;

(ii) an authorized credit line in an amount which exceeds the authorized credit line by five hundred dollars or fifty percent of the authorized credit line, whichever is greater, if the cardholder has not paid to the issuer of the financial transaction card the total amount of the excess over the authorized credit line within ten days after notice to the cardholder by certified mail to the last known address that the credit line has been exceeded. Failure to pay the amount in excess of the authorized credit line after the notice is prima facie evidence of an intent to defraud;

(3) obtains control over a financial transaction card as security for debt;

(4) deposits into his account or any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other document not his lawful or legal property;

(5) receives money, goods, services, or anything else of value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other document having been deposited into an account by means of an automated banking device, knowing at the time of receipt of the money, goods, services, or item of value that the document deposited was false, fictitious, forged, altered, or counterfeit or that the above deposited item was not his lawful or legal property.

A person who violates the provisions of this subsection except subsection ~~(a)~~(A)(2)d. is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, if the value of all money, goods, services, and other things of value furnished in violation of this section or if the difference between the value actually furnished and the value represented to the issuer to have been furnished in violation of this section, does not exceed ~~five hundred~~ two thousand dollars in any six‑month period. If the value exceeds ~~five hundred~~ two thousand dollars in a six‑month period, a person is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars or more than five thousand dollars or imprisoned not more than five years, or both.

A person who violates the provisions of subsection ~~(a)~~(A)(2)d. is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

~~(b)~~(B) A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card by the cardholder, or any agent or employee of such person is guilty of a financial transaction card fraud when, with intent to defraud the issuer or the cardholder, he:

(1) furnishes money, goods, services, or anything else of value upon presentation of a financial transaction card obtained or retained in violation of Section 16‑14‑20, or a financial transaction card which he knows is forged, expired, or revoked;

(2) fails to furnish money, goods, services, or anything else of value which he represents in writing to the issuer that he has furnished.

A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, if the value of all money, goods, services, and other things of value furnished in violation of this section or if the difference between the value actually furnished and the value represented to the issuer to have been furnished in violation of this section, does not exceed ~~five hundred~~ two thousand dollars in any six‑month period. If the value exceeds ~~five hundred~~ two thousand dollars in a six‑month period, a person is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both.

~~(c)~~(C) A person is guilty of financial transaction card fraud when, upon application for a financial transaction card to an issuer, he knowingly makes or causes to be made a false statement or report relative to his name, occupation, financial condition, assets, or liabilities; or wilfully and substantially overvalues any assets, or wilfully omits or substantially undervalues any indebtedness for the purpose of influencing the issuer to issue a financial transaction card. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

~~(d)~~(D) A cardholder is guilty of financial transaction card fraud when he wilfully, knowingly, and with an intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, submits, verbally or in writing, to the issuer or any other person, any false notice or report of the theft, loss, disappearance, or nonreceipt of his financial transaction card. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

~~(e)~~(E) In any prosecution for violation of Section 16‑14‑60, the State is not required to establish and it is no defense that some of the acts constituting the crime did not occur in this State or within one city, county, or local jurisdiction.

~~(f)~~(F) For purposes of this section, revocation is construed to include either notice given in person or notice given in writing to the person to whom the financial transaction card or personal identification code was issued. Notice of revocation is immediate when notice is given in person. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to the person at his last address known to the issuer, is prima facie evidence that the notice was duly received after seven days from the date of the deposit in the mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice is presumed to have been received ten days after mailing by registered or certified mail.

~~(g)~~(G)(1) A person who is authorized by an acquirer to furnish money, goods, services, or anything else of value upon presentation of a credit card or a credit card account number by a cardholder, or any employee of that person, who presents to the issuer or acquirer, for payment, a credit card transaction record of a sale, which sale was not made by that person or employee, violates this subsection and is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both.

(2) A person without the acquirer’s express authorization, employs, or solicits authorized merchants, or any agent or employee of the merchant, to remit to an issuer or acquirer, for payment, a financial transaction card record of a sale, which sale was not made by the merchant, his agent, or employee, is guilty of a felony and, upon conviction, is punishable as provided in Section 16‑14‑100(b).”

SECTION 82. Section 16‑14‑80 of the 1976 Code is amended to read:

“Section 16‑14‑80. (A) It is unlawful for a person to receive money, goods, and services, or anything else of value fraudulently obtained in violation of Section 16‑14‑60~~(a)~~(A) and with the knowledge or belief that the same were obtained in violation of Section 16‑14‑60~~(a)~~(A).

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be sentenced pursuant to Section 16‑14‑100(a) if the value of the money, goods, services, and anything else of value, is ~~one~~ two thousand dollars or less in any six‑month period;

(2) felony and, upon conviction, must be sentenced pursuant to Section 16‑14‑100(b) if the value of the money, goods, services, or anything of value is more than ~~one~~ two thousand dollars in any six‑month period.”

SECTION 83. Section 16‑15‑10 of the 1976 Code is amended to read:

“Section 16‑15‑10. Any person who is married who shall marry another person shall, unless:

(1) his or her husband or wife has remained continually for seven years beyond the sea or continually absented himself or herself from such person for the space of seven years together, such person not knowing his or her wife or husband to be living within that time;

(2) he or she was married before the age of consent;

(3) his or her wife or husband is under sentence of imprisonment for life; or

(4) his or her marriage has been annulled or he or she has been divorced by decree of a competent tribunal having jurisdiction both of the cause and the parties~~;~~.

On conviction, be punished by imprisonment ~~in the Penitentiary~~ for not more than five years ~~nor less than six months or by imprisonment in the jail for six months and~~ or by a fine of not less than five hundred dollars, or both.”

SECTION 84. Section 16‑15‑20 of the 1976 Code is amended to read:

“Section 16‑15‑20. Any persons who shall have carnal intercourse with each other within the following degrees of relationship, to wit:

(1) A man with his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather’s wife, son’s wife, grandson’s wife, wife’s mother, wife’s grandmother, wife’s daughter, wife’s granddaughter, brother’s daughter, sister’s daughter, father’s sister or mother’s sister; or

(2) A woman with her father, grandfather, son, grandson, stepfather, brother, grandmother’s husband, daughter’s husband, granddaughter’s husband, husband’s father, husband’s grandfather, husband’s son, husband’s grandson, brother’s son, sister’s son, father’s brother or mother’s brother;

Shall be guilty of incest and shall be punished by a fine of not less than five hundred dollars or imprisonment not ~~less~~ more than one year ~~in the Penitentiary~~, or both such fine and imprisonment.”

SECTION 85. Section 16‑15‑60 of the 1976 Code is amended to read:

“Section 16‑15‑60. Any man or woman who shall be guilty of the crime of adultery or fornication shall be liable to indictment and, on conviction, shall be severally punished by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not ~~less than six months nor~~ more than one year or by both fine and imprisonment, at the discretion of the court.”

SECTION 86. Section 16‑15‑110 of the 1976 Code is amended to read:

“Section 16‑15‑110. Any person violating any provision of Sections 16‑15‑90 and 16‑15‑100 must, upon conviction, be punished as follows:

(1) for the first offense, a fine not exceeding two hundred dollars or confinement in prison for a period of not more than thirty days;

(2) for the second offense, a fine not exceeding one thousand dollars or imprisonment for not exceeding six months, or both;

(3) for the third or any subsequent offense, a fine not exceeding three thousand dollars or imprisonment for not ~~less~~ more than one year, or both.”

SECTION 87. Section 16‑15‑120 of the 1976 Code is amended to read:

“Section 16‑15‑120. Whoever shall commit the abominable crime of buggery, whether with mankind or with beast, shall, on conviction, be guilty of felony and shall be imprisoned ~~in the Penitentiary~~ for not more than five years or shall pay a fine of not less than five hundred dollars, or both, at the discretion of the court.”

SECTION 88. Section 16‑17‑310 of the 1976 Code is amended to read:

“Section 16‑17‑310. No person, society or organization shall assume, use, adopt, become incorporated under or continue to use the name and style or emblems of any incorporated benevolent, fraternal, social, humane or charitable organization previously existing in this State or a name and style or emblem so nearly resembling the name and style of such incorporated organization as to be a colorable imitation thereof. When two or more of such societies, associations or corporations claim the right to the same name or to a name substantially similar as above provided, the organization which was first organized and used the name and first became incorporated under the laws of the United States or of any state of the Union, whether incorporated in this State or not, shall be entitled in this State to the prior and exclusive use of such name, and the rights of such societies, associations or corporations and of their individual members shall be fixed and determined accordingly.

Any person who shall wear a badge, button or other emblem or shall use the name or claim to be a member of any benevolent, fraternal, social, humane or charitable organization which is entitled to the exclusive use of such name and emblems under this section, either in the identical form or in such near resemblance thereto as to be a colorable imitation of such emblems and name, unless entitled so to do under the laws, rules and regulations of such organization, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment in the State Penitentiary for not ~~less than thirty days nor~~ more than one year.”

SECTION 89. Section 16‑17‑520 of the 1976 Code is amended to read:

“Section 16‑17‑520. Any person who shall (a) wilfully and maliciously disturb or interrupt any meeting, society, assembly or congregation convened for the purpose of religious worship, (b) enter such meeting while in a state of intoxication or (c) use or sell spirituous liquors, or use blasphemous, profane or obscene language at or near the place of meeting shall be guilty of a misdemeanor and shall, on conviction, be sentenced to pay a fine of not less than twenty nor more than one hundred dollars, or be imprisoned for a term not exceeding one year ~~or less than thirty days~~, ~~either~~ or both, at the discretion of the court.”

SECTION 90. Section 16‑17‑570 of the 1976 Code is amended to read:

“Section 16‑17‑570. Any person who shall wilfully, maliciously or mischievously interfere with, cut or injure any pole, wire, insulator or alarm box, give a false alarm from such box or by use of a telephone or break the glass in such box of any fire or police alarm system in this State or any of the appliances or apparatus connected therewith shall be guilty of a misdemeanor and, upon conviction, shall be ~~sentenced to hard labor in the State Penitentiary or on the chain gang in a county having a chain gang~~ imprisoned for a term of not ~~less~~ more than sixty days or ~~the payment of a fine of~~ fined not more than two hundred dollars.”

SECTION 91. Section 16‑17‑580 of the 1976 Code is amended to read:

“Section 16‑17‑580. Any person who shall deface, disturb or remove any granite post or marking, whether wood, stone or metal, duly placed by competent authority on the State line of this State shall be deemed guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred dollars or imprisoned not ~~less~~ more than six months.”

SECTION 92. Section 16‑17‑600(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person wilfully and knowingly, and without proper legal authority to:

(1) destroy or damage the remains of a deceased human being;

(2) remove a portion of the remains of a deceased human being from a burial ground where human skeletal remains are buried, a grave, crypt, vault, mausoleum, Native American burial ground or burial mound, or other repository; or

(3) desecrate human remains.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not ~~less than one year nor~~ more than ten years, or both.

A crematory operator is neither civilly nor criminally liable for cremating a body which (1) has been incorrectly identified by the funeral director, coroner, medical examiner, or person authorized by law to bring the deceased to the crematory; or (2) the funeral director has obtained invalid authorization to cremate. This immunity does not apply to a crematory operator who knew or should have known that the body was incorrectly identified.”

SECTION 93. Section 16‑17‑610 of the 1976 Code is amended to read:

“Section 16‑17‑610. No person other than the South Carolina Department of Employment and Workforce shall carry on the business of emigrant agent in this State without having first obtained a license therefor from the State Treasurer and the county treasurer of each county in which he solicits emigrants. The term ‘emigrant agent,’ as used in this section, shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of the State. Any person shall be entitled to State and county licenses, which shall be good for one year, upon payment into the State Treasury for the use of the State of five hundred dollars for each county in which he operates or solicits emigrants for each year so engaged and upon payment into the county treasury of each county in which he operates or solicits emigrants, for the use of each such county, of two thousand dollars for each year so engaged. Any person other than the South Carolina Department of Employment and Workforce doing business as an emigrant agent without having first obtained each such license shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars in case of failure to obtain a State license and one thousand dollars in case of failure to obtain a county license and not more than five thousand dollars in either such case or may be imprisoned ~~in the county jail or, in case of failure to obtain a county license, upon the public works not less than four months or confined in the State Prison, at hard labor,~~ not exceeding two years for each and every offense, within the discretion of the court.”

SECTION 94. Section 16‑17‑690 of the 1976 Code is amended to read:

“Section 16‑17‑690. It shall be unlawful to engage in the business, trade or profession of ~~fortunetelling~~ fortune‑telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than twenty‑five dollars nor more than one hundred dollars or imprisonment for not ~~less than fifteen nor~~ more than thirty days.”

SECTION 95. Section 16‑17‑735(D) of the 1976 Code is amended to read:

“(D) It is unlawful for a person falsely to assert authority of law, in an attempt to intimidate or hinder a state or local official or employee or law enforcement officer in the discharge of official duties, by means of threats, harassment, physical abuse, or use of a sham legal process. A person violating this subsection is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not ~~less than one year and not~~ more than three years, or both.”

SECTION 96. Section 16‑19‑10 of the 1976 Code is amended to read:

“Section 16‑19‑10. Whoever shall publicly or privately erect, set up, or expose to be played or drawn at or shall cause or procure to be erected, set up, or exposed to be played, drawn, or thrown at any lottery under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandise, or other things whatsoever or for money or by any undertaking whatsoever, in the nature of a lottery, by way of chances, either by dice, lots, cards, balls, numbers, figures, or tickets or who shall make, write, print or publish, or cause to be made, written, or published any scheme or proposal for any of the purposes aforesaid is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars and imprisoned for not more than one year. One‑third of the fine imposed shall be paid to the person, if any, who informed law enforcement officials or other appropriate authorities about the violation which led to the conviction. Each violation constitutes a separate offense.”

SECTION 97. Section 16‑19‑160 of the 1976 Code is amended to read:

“Section 16‑19‑160. It shall be unlawful for any person to use or offer for use any punchboards or other kinds of boards with numbers concealed thereon for the purpose of gaming or chance in this State. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty‑five dollars or imprisoned not ~~less than five days nor~~ more than thirty days, or both, at the discretion of the court; provided, that for the second or third offense hereunder the fine shall not be less than twenty‑five dollars nor more than one hundred dollars or imprisonment on the public works of the county for a period not exceeding three months.”

SECTION 98. Section 16‑21‑80 of the 1976 Code is amended to read:

“Section 16‑21‑80. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the vehicle is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both;

(2) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the value of the vehicle is more than two thousand dollars but not more than five thousand dollars;

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the vehicle is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

~~(3)~~(4) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the vehicle is ten thousand dollars or more.”

SECTION 99. Section 16‑23‑450 of the 1976 Code is amended to read:

“Section 16‑23‑450. It shall be unlawful for any person to construct, set or place a loaded trap gun, spring gun or any like device in any manner in any building or in any place within this State, and any violation of the provisions of this section shall constitute a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment of not ~~less than thirty days nor~~ more than one year or by both fine and imprisonment, in the discretion of the court.”

SECTION 100. Section 16‑23‑460(A) of the 1976 Code is amended to read:

“(A) A person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality, the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not ~~less than thirty days nor~~ more than ninety days.”

SECTION 101. Section 16‑23‑730 of the 1976 Code is amended to read:

“Section 16‑23‑730. A person who knowingly manufactures, possesses, transports, distributes, uses or aids, or counsels, solicits another, or conspires with another in the use of a hoax device or replica of a destructive device or detonator which causes any person reasonably to believe that the hoax device or replica is a destructive device or detonator is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year or fined not more than ten thousand dollars, or both. A person who communicates or transmits to another person that a hoax device or replica is a destructive device or detonator with the intent to intimidate or threaten injury, to obtain property of another, or to interfere with the ability of another person to conduct or carry on his life, business, trade, education, religious worship, or to interfere with the operations and functions of any government entity is guilty of a felony and, upon conviction, must be imprisoned for not ~~less than two years nor~~ more than fifteen years.”

SECTION 102. Section 16‑23‑740 of the 1976 Code is amended to read:

“Section 16‑23‑740. A person who knowingly and wilfully hinders or obstructs an explosive ordnance technician, bomb technician, law enforcement officer, fire official, emergency management official, public safety officer, animal trained to detect destructive devices, or any robot or mechanical device designed for or utilized by a law enforcement officer, fire official, emergency management official, public safety officer, or bomb technician of this State or of the United States while in the detection, disarming, or destruction of a destructive device is guilty of a felony and, upon conviction, must be imprisoned for not ~~less than one year nor~~ more than five years.”

SECTION 103. Section 16‑23‑750 of the 1976 Code is amended to read:

“Section 16‑23‑750. A person who conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made to kill, injure, or intimidate any person or to damage or destroy any building or other real or personal property by means of an explosive, incendiary, or destructive device or who aids, employs, or conspires with any person to do or cause to be done any of the acts in this section, is guilty of a felony and, upon conviction, for a first offense must be imprisoned for not ~~less than one year nor~~ more than ten years. For a second or subsequent offense, the person must be imprisoned for not ~~less than five years nor~~ more than fifteen years. ~~A sentence imposed for a violation of this section must not be suspended and probation must not be granted.~~”

SECTION 104. Section 16‑27‑30 of the 1976 Code is amended to read:

“Section 16‑27‑30. Any person who:

~~(a)~~(1) owns an animal for the purpose of fighting or baiting;

~~(b)~~(2) is a party to or causes any fighting or baiting of any animal;

~~(c)~~(3) purchases, rents, leases, or otherwise acquires or obtains the use of any structure, facility, or location for the purpose of fighting or baiting any animal; or

~~(d)~~(4) knowingly allows or permits or makes available any structure, facility, or location to be used for the purpose of fighting or baiting any animal is guilty of a felony and upon conviction must be punished by a fine of five thousand dollars or imprisoned for not more than five years, or both.”

SECTION 105. Section 16‑27‑40 of the 1976 Code is amended to read:

“Section 16‑27‑40. Any person who:

~~(a)~~(A) is present at any structure, facility, or location where preparations are being made for the purpose of fighting or baiting any animal with knowledge that those preparations are being made, or

~~(b)~~(B) is present at any structure, facility, or location with knowledge that fighting or baiting of any animal is taking place or is about to take place there is guilty of a misdemeanor and upon conviction for a first offense must be punished by a fine of five hundred dollars or imprisonment for not more than six months, or both, and for a second offense by a fine of one thousand dollars or imprisonment for not more than one year, or both. Any person convicted of a third or subsequent offense is guilty of a felony and must be punished by a fine of five thousand dollars or imprisonment for not more than five years, or both.”

SECTION 106. Section 17‑25‑20 of the 1976 Code is amended to read:

“Section 17‑25‑20. When no special punishment is provided for a felony, it shall, at the discretion of the court, be by one or more of the following modes, to wit: Confinement in the Penitentiary ~~or in a workhouse or penal farm, when such institutions shall exist,~~ for a period of not ~~less than three months nor~~ more than ten years~~, with such imposition of hard labor and solitary confinement as may be directed~~.”

SECTION 107. Section 20‑1‑210 of the 1976 Code is amended to read:

“Section 20‑1‑210. It shall be unlawful for any persons to contract matrimony within this State without first procuring a license as is herein provided and it shall likewise be unlawful for anyone whomsoever to perform the marriage ceremony for any such persons unless such persons shall first have delivered to the party performing such marriage ceremony a license as is herein provided duly authorizing such persons to contract matrimony. Any officer or person performing the marriage ceremony without the production of such license shall, on conviction thereof, be punished by a fine of not more than one hundred dollars nor less than twenty‑five dollars or by imprisonment for not more than thirty days ~~nor less than ten days~~.”

SECTION 108. Section 20‑1‑220 of the 1976 Code is amended to read:

“Section 20‑1‑220. No marriage license may be issued unless a written application has been filed with the probate judge, or in Darlington and Georgetown counties the clerk of court who issues the license, at least twenty‑four hours before the issuance of the license. The application must be signed by both of the contracting parties and shall contain the same information as required for the issuing of the license including the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of the contracting parties. The license issued, in addition to other things required, must show the hour and date of the filing of the application and the hour and date of the issuance of the license. The application must be kept by the probate judge or clerk of court as a permanent record in his office. A probate judge or clerk of court issuing a license contrary to the provisions, upon conviction, must be fined not more than one hundred dollars or not less than twenty‑five dollars, or imprisoned for not more than thirty days ~~or not less than ten days~~.”

SECTION 109. Section 20‑3‑220 of the 1976 Code is amended to read:

“Section 20‑3‑220. Any person violating any of the provisions of Section 20‑3‑210 shall, upon conviction, be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars or by imprisonment for not ~~less than one month or~~ more than one year, or both such fine and such imprisonment, at the discretion of the court.”

SECTION 110. Section 22‑1‑70 of the 1976 Code is amended to read:

“Section 22‑1‑70. All fines and penalties imposed and collected by magistrates in criminal cases must be forthwith turned over by them to the county treasurers of their respective counties for county purposes; provided, that when a magistrate presides over a municipal court under contract between the municipality and the county governing body as authorized by Section 14‑25‑25, a portion of such fines and penalties imposed and collected shall be turned over to the treasurer of the municipality under the provisions of the contract between the municipality and the county governing body which shall specify the portion to be turned over to the treasurer of the municipality. But when, by law any person is entitled, as informer, to any portion of such fine or penalty, such portion shall be immediately paid over to him. If any magistrate shall neglect or refuse to pay over all fines and penalties collected by him in any criminal cause or proceeding he shall, on conviction thereof, be subject to a fine of not less than one hundred nor more than one thousand dollars and imprisonment for not ~~less than three nor~~ more than six months and shall be dismissed from office.”

SECTION 111. Section 22‑1‑140 of the 1976 Code is amended to read:

“Section 22‑1‑140. Upon the expiration of the term of office of any magistrate he shall within thirty days return to the clerk of the court of his county in good condition all books received by him from the clerk under the law regulating the distribution of books among magistrates. Any magistrate neglecting or refusing to return such books to the clerk or pay for such books or any damage thereto shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in the sum of not less than ten dollars nor more than twenty‑five dollars or be imprisoned not ~~less than ten days nor~~ more than thirty days, at the discretion of the court. The fines imposed or money received under this section shall be paid over to the clerk of the court when collected, to be expended in replacing such books as are not returned or are too much damaged to be reissued and to be used for no other purpose.”

SECTION 112. Section 22‑5‑170 of the 1976 Code is amended to read:

“Section 22‑5‑170. Any person so selected shall forthwith proceed to execute the warrant and upon his wilfully, negligently or carelessly failing to make the arrest or permitting the party to escape after arrest he shall be punished, upon conviction after indictment, by fine and imprisonment in the county jail, in the discretion of the judge before whom the indictment may be tried, such imprisonment not to be ~~less~~ more than six months.”

SECTION 113. Section 22‑7‑40 of the 1976 Code is amended to read:

“Section 22‑7‑40. It shall be unlawful for any salaried magistrate in this State to receive any compensation for his services in criminal cases other than his salary or to receive for his own use any portion of his constable’s fees or salary in any criminal cases whatsoever, whether such cases are actually tried, compromised or transferred for investigation to the court of general sessions. Any magistrate who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars and not more than two hundred dollars or imprisoned for ~~not less than thirty days and~~ not more than six months, or both so fined and imprisoned, at the discretion of the court.”

SECTION 114. Section 23‑1‑140 of the 1976 Code is amended to read:

“Section 23‑1‑140. It shall be unlawful for any rural policeman in this State to accept or receive any fee or reward for making any collection of any debt, foreclosing any chattel mortgage, bill of sale or other lien or compromising criminal cases. Any rural policeman within this State who shall violate the provisions of this section shall be subject to a fine of not less than twenty‑five dollars nor more than one hundred dollars or imprisonment for a period of not ~~less than twenty days nor~~ more than thirty days and shall have his commission revoked by the officer issuing it. But nothing herein shall prohibit any rural policeman from collecting delinquent taxes.”

SECTION 115. Section 23‑3‑310 of the 1976 Code is amended to read:

“Section 23‑3‑310. Any person who knowingly and wilfully releases, or authorizes the release of, any data, information, or records maintained or possessed by the MPIC to any agency, entity, or person other than as specifically permitted by this article or in violation of any regulation promulgated by the MPIC is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment of not ~~less than thirty days nor~~ more than ninety days, or both.”

SECTION 116. Section 23‑3‑430(C) of the 1976 Code is amended to read:

“(C) For purposes of this article, a person who has been convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for any of the following offenses shall be referred to as an offender:

(1) criminal sexual conduct in the first degree (Section 16‑3‑652);

(2) criminal sexual conduct in the second degree (Section 16‑3‑653);

(3) criminal sexual conduct in the third degree (Section 16‑3‑654);

(4) criminal sexual conduct with minors, first degree (Section 16‑3‑655(A));

(5) criminal sexual conduct with minors, second degree (Section 16‑3‑655(B)). If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16‑3‑655(B)(2) provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(6) criminal sexual conduct with minors, third degree (Section 16‑3‑655(C));

(7) engaging a child for sexual performance (Section 16‑3‑810);

(8) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

(9) criminal sexual conduct: assaults with intent to commit (Section 16‑3‑656);

(10) incest (Section 16‑15‑20);

(11) buggery (Section 16‑15‑120);

(12) peeping, voyeurism, or aggravated voyeurism (Section 16‑17‑470);

(13) violations of Article 3, Chapter 15, Title 16 involving a minor;

(14) a person, regardless of age, who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;

(15) kidnapping (Section 16‑3‑910) of a person eighteen years of age or older ~~except when~~ if the court makes a finding on the record that the offense ~~did not include~~ included a criminal sexual offense or an attempted criminal sexual offense;

(16) kidnapping (Section 16‑3‑910) of a person under eighteen years of age except when the offense is committed by a parent;

(17) trafficking in persons (Section 16‑3‑2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(18) criminal sexual conduct when the victim is a spouse (Section 16‑3‑658);

(19) sexual battery of a spouse (Section 16‑3‑615);

(20) sexual intercourse with a patient or trainee (Section 44‑23‑1150);

(21) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

(a) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16‑15‑375(5);

(b) perform a sexual activity in the presence of the person solicited (Section 16‑15‑342); or

(22) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44‑53‑370(f), except petit larceny or grand larceny.

(23) any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109‑248), the Sex Offender Registration and Notification Act (SORNA).”

SECTION 117. Section 23‑3‑470 of the 1976 Code is amended to read:

“Section 23‑3‑470. (A) It is the duty of the offender to contact the sheriff in order to register, provide notification of change of permanent or temporary address, or notification of change of employment, or in attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school. If an offender fails to register, provide notification of change of address, or notification of permanent or temporary change in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, as required by this article, he must be punished as provided in subsection (B).

(B)(1) A person convicted for a first offense is guilty of a misdemeanor and may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty‑six days, or both. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, or any other provision of law, a first offense may be tried in magistrates court.

(2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for ~~a mandatory period of~~ not more than three hundred sixty‑six days~~, no part of which shall be suspended nor probation granted~~.

(3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for ~~a mandatory period of~~ not more than five years~~, three years of which shall not be suspended nor probation granted~~.”

SECTION 118. Section 23‑3‑475 of the 1976 Code is amended to read:

“Section 23‑3‑475. (A) Anyone who knowingly and wilfully gives false information when registering as an offender pursuant to this article must be punished as provided in subsection (B).

(B)(1) A person convicted for a first offense is guilty of a misdemeanor and may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty‑six days, or both. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, or any other provision of law, a first offense may be tried in magistrates court.

(2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for ~~a mandatory period of~~ not more than three hundred sixty‑six days~~, no part of which shall be suspended nor probation granted~~.

(3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for ~~a mandatory period of~~ not more than five years~~, three years of which shall not be suspended nor probation granted~~.”

SECTION 119. Section 23‑15‑70 of the 1976 Code is amended to read:

“Section 23‑15‑70. Any sheriff, deputy sheriff, constable or other officer specially empowered may call out the bystanders or posse comitatus of the proper county to his assistance whenever he is resisted or has reasonable grounds to suspect and believe that such assistance will be necessary in the service or execution of process in any criminal case and any deputy sheriff may call out such posse comitatus to assist in enforcing the laws and in arresting violators or suspected violators thereof. Any person refusing to assist as one of the posse comitatus in the service or execution of such process, when required by the sheriff, deputy sheriff, constable or other officer shall be liable to be indicted therefor and upon conviction shall be fined and imprisoned, at the discretion of the court any person who shall fail to respond and render assistance when summoned by a deputy sheriff to assist in enforcing the laws and in arresting violators or suspected violators thereof shall be guilty of a misdemeanor and, upon conviction shall be fined not less than thirty nor more than one hundred dollars or imprisoned for not more than thirty days.”

SECTION 120. Section 23‑35‑150 of the 1976 Code is amended to read:

“Section 23‑35‑150. Any person violating any provisions of this chapter or regulations promulgated by the State Fire Marshal or the State Board of Pyrotechnic Safety, unless otherwise specifically provided in this chapter, is guilty of a misdemeanor and, upon conviction, must be punished:

(1) for a first offense, by a fine of not more than two hundred dollars or imprisonment for not more than thirty days;

(2) for a second offense, by a fine of not less than five hundred dollars nor more than twenty‑five hundred dollars or imprisonment for not ~~less~~ more than sixty days, or both;

(3) for a third offense, by a fine of not less than one thousand dollars or imprisonment of not ~~less than ninety days nor~~ more than one year, or both.

In addition to the above penalties, the license of any wholesaler, jobber, or retailer must be permanently revoked upon conviction for a third offense.”

SECTION 121. Section 23‑36‑170 of the 1976 Code is amended to read:

“Section 23‑36‑170. Any person who violates the provisions of this chapter is guilty of a felony and, upon conviction, shall be punished:

(a) for the first offense, by a fine of not less than five hundred dollars nor more than one thousand, five hundred dollars or imprisonment for not more than five years, or both.

(b) for the second offense, by a fine of not less than one thousand, five hundred dollars nor more than five thousand dollars and imprisonment for not ~~less than five years nor~~ more than ten years.

(c) for the third offense, by a fine of not less than five thousand dollars nor more than ten thousand dollars and imprisonment for not ~~less than ten years nor~~ more than fifteen years.

(d) for any fourth or subsequent offense, by a fine of not less than seven thousand, five hundred dollars nor more than fifteen thousand dollars and imprisonment of not ~~less than ten years nor~~ more than fifteen years.

The license of any dealer or blaster is permanently revoked upon conviction for a second offense and no license may be issued to any person whose base operation is substantially the same as that of a person whose license has been permanently revoked.”

SECTION 122. Section 24‑3‑410(C) of the 1976 Code is amended to read:

“(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five thousand dollars or imprisoned for not ~~less than three months nor~~ more than one year, or both. Each sale or offer for sale is a separate offense under this section. Proceeds of the sale of agricultural products, when produced by an instrumentality under control of the State Department of Corrections, must be applied as provided in Section 24‑1‑250.”

SECTION 123. Section 24‑3‑420 of the 1976 Code is amended to read:

“Section 24‑3‑420. Any person who wilfully violates any of the provisions of this article other than Section 24‑3‑410 is guilty of a misdemeanor and, upon conviction, shall be confined not ~~less than ten days nor~~ more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both, in the discretion of the court.”

SECTION 124. Section 24‑3‑950 of the 1976 Code is amended to read:

“Section 24‑3‑950. It shall be unlawful for any person to furnish or attempt to furnish any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the director to be contraband. It shall also be unlawful for any prisoner under the jurisdiction of the Department of Corrections to possess any matter declared to be contraband. Matters considered contraband within the meaning of this section shall be those which are determined to be such by the director and published by him in a conspicuous place available to visitors and inmates at each correctional institution. Any person violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not ~~less than one year nor~~ more than ten years, or both.”

SECTION 125. Section 24‑5‑130 of the 1976 Code is amended to read:

“Section 24‑5‑130. It shall be unlawful for any person charged with the custody of any jail or other place of criminal incarceration to allow such premises at any time when occupied to be unattended by a duly authorized person who shall have access to and be in reasonable communication with the persons therein.

Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not ~~less than thirty days nor~~ more than six months, or both, in the discretion of the court.”

SECTION 126. Section 24‑7‑155 of the 1976 Code is amended to read:

“Section 24‑7‑155. It is unlawful for a person to furnish or attempt to furnish a prisoner in any county, municipal, or multijurisdictional jail, prison camp, work camp, or overnight lockup facility with a matter declared to be contraband. It is unlawful for an inmate of a facility to possess a matter declared to be contraband. Matters considered contraband within the meaning of this section are those which are designated as contraband and published by the Department of Corrections as Regulation 33‑1 of the Department of Corrections and this regulation must be displayed in a conspicuous place available and visible to visitors and inmates at the facility. The facility manager of a local detention facility, with the approval of the sheriff or chief administrative officer as appropriate, may designate additional items as contraband. Notice of the additional items must be displayed with Regulation 33‑1.

A person violating the provisions of this section is guilty of a felony and, upon conviction, must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not ~~less than one year nor~~ more than ten years, or both.”

SECTION 127. Section 24‑13‑260 of the 1976 Code is amended to read:

“Section 24‑13‑260. An officer having charge of an inmate who refuses to allow a deduction in time of serving sentence is guilty of a misdemeanor and, upon conviction, must be imprisoned for not ~~less~~ more than thirty days or pay a fine of not less than one hundred dollars.”

SECTION 128. Section 24‑13‑410 of the 1976 Code is amended to read:

“Section 24‑13‑410. (A) It is unlawful for a person, lawfully confined in a prison or local detention facility or while in the custody of an officer or another employee, to escape, to attempt to escape, or to have in his possession tools, weapons, or other items that may be used to facilitate an escape.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not ~~less than one year nor~~ more than fifteen years.

(C) The term of imprisonment is consecutive to the original sentence and to other sentences previously imposed upon the escapee by a court of this State.”

SECTION 129. Section 24‑13‑430(B) of the 1976 Code is amended to read:

“(B) An inmate of the Department of Corrections or of a local detention facility who participates in a riot or any other acts of violence is guilty of a felony and, upon conviction, must be imprisoned for not ~~less than five years nor~~ more than ten years.”

SECTION 130. Section 24‑13‑460 of the 1976 Code is amended to read:

“Section 24‑13‑460. It is unlawful for a person in this State to furnish a prisoner in a local detention facility any alcoholic beverages or narcotic drugs, including prescription medications and controlled substances that have not been issued legally to the prisoner. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of five hundred dollars, or imprisonment for not more than six months, or both.”

SECTION 131. Section 27‑3‑30 of the 1976 Code is amended to read:

“Section 27‑3‑30. All parties to such feigned, covinous and fraudulent gifts, grants, leases, charges or conveyances, or being privy to and knowing of them, or any of them, who shall wittingly or willingly put in use, avow, maintain, justify or defend them, or any of them, as true, simple and done, had or made bona fide or upon good consideration, of or to the disturbance or hindrance of the purchaser or purchasers, lessees or grantees, their heirs, successors, executors, administrators or assigns or such as have or shall lawfully claim anything by, from or under them, or any of them, shall incur the penalty and forfeiture of one year’s value of such lands, tenements and hereditaments so purchased or charged, the one moiety whereof shall be for the use of the State and the other moiety to the party or parties grieved by such feigned and fraudulent gift, grant, lease, conveyance, encumbrance or limitation of use, to be recovered by action in any court of competent jurisdiction; and also, being thereof lawfully convicted, shall suffer imprisonment for not more than one‑half year.”

SECTION 132. Section 29‑1‑30 of the 1976 Code is amended to read:

“Section 29‑1‑30. Any person who shall wilfully and knowingly sell and convey any real or personal property on which any lien exists without first giving notice of such lien to the purchaser of such real or personal property shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be imprisoned for a term of not ~~less than ten days nor~~ more than three years and be fined not less than ten dollars nor more than five thousand dollars, either or both in the discretion of the court. But the penalties enumerated in this section shall not apply to public officers in the discharge of their official duties. When the value of such property is less than fifty dollars the offense may be triable in the magistrate’s court and the punishment shall be not more than is permitted by law without presentment or indictment of the grand jury. When the case is within the jurisdiction of the magistrate’s court, the court of general sessions shall have concurrent jurisdiction with the magistrate’s court.”

SECTION 133. Section 29‑7‑20(1) of the 1976 Code is amended to read:

“(1) A contractor or subcontractor who, for other purposes than paying the money loaned upon such contract, transfers, invests or expends and fails to pay to a laborer, subcontractor, or materialman out of the money received as provided in Section 29‑7‑10 is guilty of a misdemeanor and, upon conviction, when the consideration for the work and material exceeds the value of one hundred dollars must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not ~~less than three months nor~~ more than six months and when such consideration does not exceed the value of one hundred dollars must be fined not more than five hundred dollars or imprisoned not longer than thirty days.”

SECTION 134. Section 33‑45‑170 of the 1976 Code is amended to read:

“Section 33‑45‑170. A person shall become a member of a cotton cooperative association organized or domesticated under the laws of this State only when the membership contract shall be in duplicate, shall state the time of the duration of such contract and shall be signed both by the member and the association. The signature of any person on a draft or check containing conditions which purport to make a person a member of a cotton cooperative association as a prerequisite to obtaining money on any draft or check given to him for any cotton which he has sold or pledged to any cotton cooperative association shall not be construed as making such person a member of the association, even though he has signed or endorsed the check or draft. Any person violating any of the terms of this section shall be guilty of a misdemeanor and, upon conviction, punished by a fine of not less than one hundred dollars and not more than one thousand dollars or by imprisonment for a period of not ~~less than thirty days and not~~ more than six months, or both, in the discretion of the court. Each violation of any provision of this section shall be deemed a separate offense.”

SECTION 135. Section 34‑3‑10(A) of the 1976 Code is amended to read:

“(A) A person in this State, other than a legalized incorporated banking institution, may not use the word “bank” or “banking” in connection with a business, calling, or pursuit; except that a state‑chartered savings and loan association may change its designation and name to a “savings bank” pursuant to the same authority and subject to the same rules and regulations that federally‑chartered savings and loan associations are permitted to make that change according to the provisions of Public Law 97‑320 (the Garn‑St. Germain Depository Institutions Act of 1982). A person violating the provisions of this subsection must be fined not less than one thousand dollars and not more than ten thousand dollars or imprisoned not more than ten years ~~or less than one year~~, or both fined and imprisoned, all in the discretion of the court.”

SECTION 136. Section 34‑3‑80 of the 1976 Code is amended to read:

“Section 34‑3‑80. Whenever an officer of any bank engaged in business in this State shall be called upon by the Comptroller General or any of his clerks or agents for a certificate of the amount of cash on deposit to the credit of any public officer for use in settlements with such public officer and shall wilfully and knowingly give a false certificate or statement he shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not more than six months ~~nor less than three months~~, in the discretion of the court.”

SECTION 137. Section 34‑11‑30 of the 1976 Code is amended to read:

“Section 34‑11‑30. It shall be a misdemeanor for any president, director, manager or cashier or other officer of any banking institution to receive any deposit or trust or create any debts of such corporation after he shall become aware that such corporation is insolvent. Every officer of such failing corporation shall become personally liable to the amount of any such deposit or trust received by him or with his knowledge or assent in any such case to the person thereby damaged, whether criminal prosecution be made or not. And all persons convicted for misdemeanor, as provided in this section, shall be punished by imprisonment for a term of not ~~less~~ more than one year and by a fine of not less than one thousand dollars.”

SECTION 138. Section 34‑11‑90 of the 1976 Code is amended to read:

“Section 34‑11‑90. A person who violates the provisions of this chapter, upon conviction, must be punished as follows:

If the amount of the instrument is ~~one~~ two thousand dollars or less, it must be tried exclusively in a magistrates court. A municipal governing body, by ordinance, may adopt by reference the provisions of this chapter as an offense under its municipal ordinances and by so doing authorizes its municipal court to try violations of this chapter. If the amount of the instrument is over ~~one~~ two thousand dollars, it must be tried in the court of general sessions or any other court having concurrent jurisdiction. Notwithstanding the provisions of this paragraph, a person who violates the provisions of this chapter, upon conviction for a third or subsequent conviction, may be tried in either a magistrates court or in the court of general sessions.

(a) Convictions in a magistrates court are punishable as follows:

(1) for a first conviction, if the amount of the instrument is five hundred dollars or less, by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days;

(2) for a first conviction, if the amount of the instrument is more than five hundred dollars but not greater than ~~one~~ two thousand dollars, by a fine of not less than three hundred nor more than five hundred dollars or by imprisonment for not more than thirty days, or both;

(3) for a second or subsequent conviction, if the amount of the instrument is five hundred dollars or less, by a fine of two hundred dollars or by imprisonment for not more than thirty days;

(4) for a second or subsequent conviction, if the amount of the instrument is more than five hundred dollars but not greater than ~~one~~ two thousand dollars, by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days, or both.

(b) Convictions in the court of general sessions or any other court having concurrent jurisdiction are punishable as follows: for a first conviction by a fine of not less than three hundred dollars nor more than one thousand dollars or by imprisonment for not more than two years, or both; and for a second or subsequent conviction by a fine of not less than five hundred dollars nor more than two thousand dollars and imprisonment for ~~not less than thirty days nor~~ more than ten years.

(c) After a first offense conviction for drawing and uttering a fraudulent check or other instrument in violation of Section 34‑11‑60 within its jurisdiction, the court shall, at the time of sentence, suspend the imposition or execution of a sentence upon a showing of satisfactory proof of restitution and payment by the defendant of all reasonable court costs accruing not to exceed forty‑one dollars. For a second or subsequent conviction for a violation of Section 34‑11‑60, the suspension of the imposition or execution of the sentence is discretionary with the court.

(d) After a conviction or plea for drawing and uttering a fraudulent check or other instrument in violation of Section 34‑11‑60 and the defendant is charged or fined, he shall pay in addition to the fine all reasonable court costs accruing, not to exceed forty‑one dollars, and the service charge provided in Section 34‑11‑70.

(e) After a conviction under this section on a first offense, the defendant may, after one year from the date of the conviction, apply, or cause someone acting on his behalf to apply, to the court for an order expunging the records of the arrest and conviction. This provision does not apply to any crime classified as a felony. If the defendant has had no other conviction during the one‑year period following the conviction under this section, the court shall issue an order expunging the records. No person has any rights under this section more than one time. After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this subsection more than once. This nonpublic record is not subject to release under Section 34‑11‑95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need this information in order to prevent the rights afforded by this subsection from being taken advantage of more than once.

As used in this section the term “conviction” shall include the entering of a guilty plea, the entering of a plea of nolo contendere, or the forfeiting of bail. A conviction is classified as a felony if the instrument drawn or uttered in violation of this chapter exceeds the amount of five thousand dollars.

Each instrument drawn or uttered in violation of this chapter constitutes a separate offense.”

SECTION 139. Section 36‑9‑410 of the 1976 Code is amended to read:

“Section 36‑9‑410. (A) Notwithstanding Section 36‑9‑401, a person who intentionally or wilfully sells or disposes of personal property that is subject to a perfected security interest, with the intent to defraud the secured party, without the written consent of the secured party and without paying the debt secured by the perfected security interest within ten days after sale or disposal or, in that time, depositing the amount of the debt with the clerk of the court of common pleas for the county in which the secured party resides, is in violation of this section.

(B) This section does not apply:

(1) if the sale is made without the knowledge of or notice of the perfected security interest to the purchaser by the person selling the property;

(2) to the granting of subsequent security interests;

(3) if the loan secured by the personal property includes a charge for nonfiling insurance; or

(4) to personal property titled by the Department of Public Safety or the Law Enforcement Division of the South Carolina Department of Natural Resources.

(C) If the value of the personal property subject to a perfected security interest is worth:

(1) two thousand dollars or less, a person who violates the provisions of this section is guilty of a misdemeanor triable in the magistrates court or the municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both;

(2) more than two thousand dollars but ~~less~~ not more than ~~ten~~ five thousand dollars, a person who violates the provisions of this section is guilty of a ~~felony~~ misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ~~five years~~ one year, or both;

(3) more than five thousand dollars but less than ten thousand dollars, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both;

~~(3)~~(4) ten thousand dollars or more, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.”

SECTION 140. Section 38‑2‑30 of the 1976 Code is amended to read:

“Section 38‑2‑30. Any person who performs an act without a license required by this title is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than two years, or both.”

SECTION 141. Section 38‑55‑170 of the 1976 Code is amended to read:

“Section 38‑55‑170. A person who knowingly causes to be presented a false claim for payment to an insurer transacting business in this State, to a health maintenance organization transacting business in this State, or to any person, including the State of South Carolina, providing benefits for health care in this State, whether these benefits are administered directly or through a third person, or who knowingly assists, solicits, or conspires with another to present a false claim for payment as described above, is guilty of a:

(1) felony if the amount of the claim is ten thousand dollars or more. Upon conviction, the person must be imprisoned not more than ten years or fined not more than five thousand dollars, or both;

(2) felony if the amount of the claim is more than ~~two~~ five thousand dollars but less than ten thousand dollars. Upon conviction, the person must be fined in the discretion of the court or imprisoned not more than five years, or both;

(3) misdemeanor if the amount of the claim is more than two thousand dollars but not more than five thousand dollars. Upon conviction, the person must be fined in the discretion of the court or imprisoned not more than one year, or both;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the amount of the claim is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 142. Section 39‑1‑20 of the 1976 Code is amended to read:

“Section 39‑1‑20. Any person who knowingly with intent to sell or in any wise dispose of merchandise, securities, service or anything offered by such person, directly or indirectly, to the public for sale or distribution or with intent to increase the consumption thereof, to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or an interest therein makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publication or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, letter or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public which contains any assertion, representation or statement of fact which is intentionally untrue shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment ~~at hard labor~~ for not ~~less than thirty days nor~~ more than six months, in the discretion of the court.”

SECTION 143. Section 39‑1‑80(B) of the 1976 Code is amended to read:

“(B)(1) A person may not wilfully practice or offer to practice as a certified industrial hygienist, or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the person is a certified industrial hygienist or acquiesce in such a representation, unless that person is certified as an industrial hygienist by the American Board of Industrial Hygiene.

(2) A person may not wilfully practice or offer to practice as a certified safety professional, or use in any advertisement or on a business card or letterhead or make any other verbal or written communication that the person is a certified safety professional or acquiesce in such a representation, unless that person is certified as a safety professional by the Board of Certified Safety Professionals.

(3) A person who violates subsection(B)(1) or (2) is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than five thousand dollars or imprisoned for not ~~less than thirty days or~~ more than six months, or both. Each violation constitutes a separate offense, and each day’s violation constitutes a separate offense.

(4) A person may file a suit in equity with an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, alleging the facts and paying for a temporary restraining order or a permanent injunction against one whose conduct appears to violate subsection (B)(1) or (2), commanding him to obey the law and to desist from any further misrepresentation. This injunctive relief is in addition to any other remedy or criminal prosecution for violation of subsection (B)(1) or (2). It is not necessary to establish the absence of an adequate remedy at law.”

SECTION 144. Section 39‑15‑10 of the 1976 Code is amended to read:

“Section 39‑15‑10. It shall be unlawful for any person engaged in the business of manufacturer, bottler or dealer in beer, soda water, or mineral waters to use in the course of his business any kegs, boxes, crates or bottles owned by any other person engaged in such business and rendered capable of identification by the name of the owner or other distinguishing marks stamped, stenciled, engraved, cut or in any other manner fixed thereon, without the consent of such owner in writing. No person shall trade or traffic in any such boxes, crates, bottles, jugs, kegs or other such vessels, except for the consumption of the beer, soda water or mineral waters placed therein by the owners. Any violation of this section shall be a misdemeanor, punishable for each offense by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not ~~less than ten days nor~~ more than thirty days, or both, at the discretion of the court.”

SECTION 145. Section 39‑15‑15 of the 1976 Code is amended to read:

“Section 39‑15‑15. (A) It is unlawful for a person engaged in the business of manufacturer, dealer, distributor, wholesaler, or retailer of peat to label a package or container of the product as ‘peat’, or to market, distribute, sell, or advertise for sale a package or container with the word ‘peat’ in the label or anywhere else on the package or container, unless the product is in actuality partially carbonized vegetable tissue formed by partial decomposition in water of various plants.

(B) A person who violates any of the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars or must be imprisoned for not more than thirty days. Each violation constitutes a separate offense.”

SECTION 146. Section 39‑15‑480 of the 1976 Code is amended to read:

“Section 39‑15‑480. Any person who shall have in his unauthorized possession any field box, crate, receptacle or container marked or branded with a mark or brand registered under the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty‑five dollars nor more than five hundred dollars or by imprisonment for not ~~less than thirty days nor~~ more than one year, or by both such fine and imprisonment, and the possession by any person of any field box, crate, container or receptacle so marked or branded, in the absence of written authority therefor, shall be prima facie evidence of the violation of the provisions of this section. But the owner of any such recorded or registered mark or brand may, in writing, authorize and designate any person to use or have in his possession any such field boxes, crates, containers or receptacles.”

SECTION 147. Section 39‑15‑750 of the 1976 Code is amended to read:

“Section 39‑15‑750. The owner of such timber or any other person who shall cut out or off, obliterate or in any manner deface or destroy the brand of the purchaser or owner upon such timber or who shall injure, remove, secrete, take, receive or attempt to sell or purchase such timber so long as such brand lawfully remains thereon shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for a term of not ~~less than thirty days nor~~ more than three years and be fined not less than one hundred dollars nor more than three thousand dollars, either or both.”

SECTION 148. Section 39‑19‑510 of the 1976 Code is amended to read:

“Section 39‑19‑510. Any person guilty of a misdemeanor under the provisions of this article shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment for not ~~less than fifteen nor~~ more than thirty days and each sale or offering for sale shall constitute a separate and distinct offense under the provisions of this article.”

SECTION 149. Section 39‑33‑1320 of the 1976 Code is amended to read:

“Section 39‑33‑1320. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than twenty‑five dollars nor more than one hundred dollars or be imprisoned not ~~less than ten days nor~~ more than thirty days, in the discretion of the court, and for the second or any subsequent offense shall be fined not less than one hundred dollars nor more than two thousand dollars or be imprisoned for not ~~less than thirty days nor~~ more than two years, or be both fined and imprisoned, in the discretion of the court.”

SECTION 150. Section 39‑33‑1540 of the 1976 Code is amended to read:

“Section 39‑33‑1540. It shall be unlawful for any person regularly engaged in the retail sale of milk, either on his own account or in a representative capacity for some other, to use in such business bottles or other containers wherein or whereon is indelibly stamped or fixed the name or trademark of some other person likewise engaged in the same county in the retail sale of milk, unless such containers shall have been acquired by such person from the one whose name or trademark is impressed upon such bottle or container or unless such person has the written permission of the person whose name or trademark is impressed upon such bottle or container to use such bottle or container. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than five dollars nor more than fifty dollars or to imprisonment of not ~~less than five days nor~~ more than fifteen days.”

SECTION 151. Section 39‑41‑160 of the 1976 Code is amended to read:

“Section 39‑41‑160. A person who fraudulently commits the following violations is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than one thousand dollars or imprisoned not ~~less than thirty nor~~ more than sixty days for each offense:

(1) brands or labels a package, a barrel, a pump, a tank, or other vessel;

(2) uses a label a second time;

(3) keeps a petroleum product used for illuminating, heating, or power purposes not marked and branded in accordance with the regulations of the Commissioner of Agriculture;

(4) violates this article or a regulation adopted by the Commissioner of Agriculture for its enforcement.”

SECTION 152. Section 39‑41‑360 of the 1976 Code is amended to read:

“Section 39‑41‑360. Any person violating any of the provisions of this article shall, for each offense, be guilty of a misdemeanor and punishable, for the first offense, by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not less than ten days nor more than thirty days, and for any subsequent offense, by a fine of not less than one hundred dollars nor more than three hundred dollars or by imprisonment for not ~~less than thirty days nor~~ more than ninety days.”

SECTION 153. Section 39‑51‑120 of the 1976 Code is amended to read:

“Section 39‑51‑120. Except where otherwise provided by this chapter, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both. For a second or subsequent violation such person shall be subject to imprisonment for not more than sixty days, or a fine of not more than two hundred dollars, or both.”

SECTION 154. Section 40‑2‑590 of the 1976 Code is amended to read:

“Section 40‑2‑590. A person who violates a provision of this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars or more than two hundred dollars or imprisoned not ~~less than twenty days or~~ more than sixty days. Each violation constitutes a separate offense and each day’s violation constitutes a separate offense.”

SECTION 155. Section 40‑8‑190 of the 1976 Code is amended to read:

“Section 40‑8‑190. A person who operates a cemetery in this State in violation of this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars or more than ten thousand dollars or imprisoned not ~~less than thirty days or~~ more than twelve months, or both.”

SECTION 156. Section 40‑36‑30 of the 1976 Code is amended to read:

“Section 40‑36‑30. No person may practice occupational therapy or may practice as an occupational therapy assistant without a license issued in accordance with this chapter. A person whose license has been suspended or revoked, who uses in connection with his name the words or letters ‘Occupational Therapist’, ‘Licensed Occupational Therapist’, ‘Occupational Therapist Registered’, ‘Occupational Therapist Registered/Licensed’, ‘O.T.’, ‘L.O.T.’, ‘O.T.R.’, ‘O.T.R./L.’, or ‘Occupational Therapy Assistant’, ‘Certified Occupational Therapy Assistant’, ‘Certified Occupational Therapy Assistant/Licensed’, ‘O.T.A., ‘L.O.T.A.’, ‘C.O.T.A.’, ‘C.O.T.A./L.’, or any other letters, words, or insignia indicating that he is an occupational therapist or occupational therapy assistant, or who in any way, orally or in writing or in print or by sign directly or by implication, represents himself as an occupational therapist or occupational therapy assistant is deemed to be practicing occupational therapy or practicing as an occupational therapy assistant without being registered by the board and is guilty of a misdemeanor and, upon conviction for each offense, must be fined not less than one hundred dollars or more than five hundred dollars or be imprisoned for not ~~less than thirty days or~~ more than ninety days, or both. Each day’s violation constitutes a separate offense.”

SECTION 157. Section 40‑41‑710(D) of the 1976 Code is amended to read:

“(D) If the retailer fails to produce the requested record the officer may seize the merchandise and hold it in custody as evidence and the retailer may be punished as follows:

(1) Upon conviction for a first offense, the retailer is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) Upon conviction of a second offense, the retailer must be fined not less than one thousand nor more than five thousand dollars or imprisoned for not ~~less than thirty days nor~~ more than sixty days, or both.

(3) Upon conviction of a third offense, the retailer’s Sales and Use Tax License must be revoked, and the retailer must be fined not less than one thousand nor more than five thousand dollars or imprisoned for not ~~less than thirty days nor~~ more than sixty days, or both.”

SECTION 158. Section 40‑51‑220 of the 1976 Code is amended to read:

“Section 40‑51‑220. Any person who shall practice or attempt to practice podiatry or chiropody in this State without having complied with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not ~~less than ninety days, nor~~ more than one year, or both.”

SECTION 159. Section 40‑56‑200 of the 1976 Code is amended to read:

“Section 40‑56‑200. (A) A person required by this chapter to obtain a license to do business in this State, who has not obtained a license or who operates while his license is suspended or revoked or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not ~~less than ninety days and not~~ more than one year.

(B) This chapter does not repeal, amend, or otherwise affect fire codes and regulations adopted by the State Fire Marshal.”

SECTION 160. Section 40‑59‑30(A) of the 1976 Code is amended to read:

“(A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the commission or procured a license from the commission, which has not expired or been revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not ~~less~~ more than thirty days, or both.”

SECTION 161. Section 40‑69‑200 of the 1976 Code is amended to read:

“Section 40‑69‑200. (A) A person who practices or offers to practice veterinary medicine or veterinary technology in violation of this chapter, or who knowingly presents to or files false information with the board for the purpose of obtaining a license, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than twenty‑five hundred dollars or imprisoned for not ~~less~~ more than thirty days. Each act of unlawful practice constitutes a separate offense.

(B) A person performing acts as a licensed veterinary technician in compliance with this chapter may not be deemed to be engaging in the practice of veterinary medicine.”

SECTION 162. Section 40‑82‑200 of the 1976 Code is amended to read:

“Section 40‑82‑200. A person required by this chapter to obtain a license to do business in this State who has not obtained a license or who operates while his license is suspended or revoked or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand dollars or imprisoned for not ~~less than ninety days nor~~ more than one year.”

SECTION 163. Section 41‑1‑20 of the 1976 Code is amended to read:

“Section 41‑1‑20. Every person who shall discharge or discriminate in the payment of wages against any person because of his membership in a labor organization shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars or be imprisoned not ~~less than ten nor~~ more than thirty days.”

SECTION 164. Section 41‑1‑60(4) of the 1976 Code is amended to read:

“(4) Any person who agrees to pay, or who does pay, or who agrees to receive, or who does receive, any payment described in item (2) hereof shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for a period of not ~~less than thirty days, nor~~ more than one year, in the discretion of the court. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate and distinct offense.”

SECTION 165. Section 41‑3‑140 of the 1976 Code is amended to read:

“Section 41‑3‑140. Any person who shall ~~willfully~~ willfully impede or prevent the Director of the Department of Labor, Licensing~~,~~ and Regulation or his designee, his agents or assistants, in the free and full performance of his duties shall, upon conviction, be fined not less than one hundred dollars or more than one thousand dollars or be imprisoned for not ~~less than thirty days or~~ more than six months, or both.”

SECTION 166. Section 41‑7‑80 of the 1976 Code is amended to read:

“Section 41‑7‑80. An employer, labor organization, or other person who violates a provision of this chapter is guilty of a misdemeanor, and, upon conviction, must be punished by imprisonment for not ~~less than ten days nor~~ more than thirty days, a fine of not less than one thousand dollars but not more than ten thousand dollars, or both.”

SECTION 167. Section 42‑5‑45 of the 1976 Code is amended to read:

“Section 42‑5‑45. Any employer required to secure payment of compensation under this title who wilfully refuses to secure such compensation shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not ~~less than thirty days nor~~ more than six months, or both, in the discretion of the court.”

SECTION 168. Section 42‑5‑240 of the 1976 Code is amended to read:

“Section 42‑5‑240. Any person who shall act or assume to act as agent for any such insurance carrier whose authority to do business in this State has been suspended, while such suspension remains in force, or shall neglect or refuse to comply with any of the provisions of Sections 42‑5‑110, 42‑5‑120, 42‑5‑140 and 42‑5‑150 obligatory upon such person or who shall wilfully make a false or fraudulent statement of the business or conditions of any such insurance carrier or a false or fraudulent return shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not ~~less than ten nor~~ more than ninety days, or both such fine and imprisonment in the discretion of the court.”

SECTION 169. Section 44‑1‑150(A) of the 1976 Code is amended to read:

“(A) Except as provided in Section 44‑1‑151, a person who after notice violates, disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Health and Environmental Control, made by the department pursuant to Section 44‑1‑140, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.”

SECTION 170. Section 44‑1‑151 of the 1976 Code is amended to read:

“Section 44‑1‑151. Notwithstanding any other provision of law, all shellfish involved in any violation of law, including any regulation, regarding shellfish may be confiscated and disposed of at the discretion of the arresting officer. Any person convicted of a second offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for ~~not less than thirty days and~~ not more than sixty days. Any person convicted of a third or subsequent offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than five hundred dollars and not more than one thousand or imprisoned for ~~not less than sixty days and~~ not more than ninety days. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area may be impounded at the discretion of the arresting officer. The equipment impounded shall be delivered to the sheriff of the county in which the arrest was made and shall be retained by the sheriff. Such equipment may not be returned to the owner until the case has been finally disposed of. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of harvesting shellfish in any polluted area shall be confiscated. All such confiscated equipment shall be sold at auction by the sheriff of the county in which such second, third, or subsequent offense took place and by a representative of the State Department of Health and Environmental Control, except for weapons, which, following confiscation, shall be disposed of in the manner set forth in Sections 16‑23‑50, 16‑23‑460, and 16‑23‑500.”

SECTION 171. Section 44‑23‑1080 of the 1976 Code is amended to read:

“Section 44‑23‑1080. No patient or prisoner under the jurisdiction of the South Carolina Department of Mental Health is allowed access to alcoholic beverages, firearms, dangerous weapons, or controlled substances as defined by Section 44‑53‑110. Any person who intentionally or negligently allows patients or prisoners of the department access to these items or who attempts to furnish these items to patients or prisoners of the department is guilty:

(1) in the case of alcoholic beverages or controlled substances, of a misdemeanor and, upon conviction, must be punished by a fine of not less than one hundred dollars nor more than ten thousand dollars or imprisonment for not ~~less than thirty days nor~~ more than ten years, or both; and

(2) in the case of firearms or dangerous weapons, of a felony and, upon conviction, must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not ~~less than one year nor~~ more than ten years, or both.”

SECTION 172. Section 44‑52‑165 of the 1976 Code is amended to read:

“Section 44‑52‑165. (A) It is unlawful for a patient receiving inpatient services in a program under the jurisdiction of the division in a treatment facility operated by the South Carolina Department of Mental Health to possess alcoholic beverages, firearms, dangerous weapons, or controlled substances as defined by Section 44‑53‑110. A patient who violates the provisions of this section while in a treatment facility is guilty, in the case of:

(1) alcoholic beverages, of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than two hundred dollars or imprisoned for not more than thirty days;

(2) controlled substances, of a misdemeanor and, upon conviction, must be punished in accordance with Section 44‑53‑370;

(3) firearms or dangerous weapons, of a felony and, upon conviction, must be fined not less than one thousand nor more than ten thousand dollars or imprisoned for not ~~less than one year nor~~ more than ten years, or both.

(B) A person who intentionally or negligently allows a patient, as defined in subsection (A), access to or possession of items in violation of that subsection or who attempts to furnish:

(1) alcoholic beverages or controlled substances, is guilty of a felony and, upon conviction, must be fined not less than one hundred nor more than ten thousand dollars or imprisoned not more than ten years, or both;

(2) firearms or dangerous weapons, is guilty of a felony and, upon conviction, must be fined not less than one thousand nor more than ten thousand dollars or imprisoned not ~~less than one nor~~ more than ten years, or both.”

SECTION 173. Section 44‑53‑370 of the 1976 Code is amended to read:

“Section 44‑53‑370. (a) Except as authorized by this article it shall be unlawful for any person:

(1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue;

(2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.

(b) A person who violates subsection (a) with respect to:

(1) a controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than ~~fifteen~~ five years or fined not more than twenty‑five thousand dollars, or both. For a second offense, the offender must be imprisoned not ~~less than five years nor~~ more than ~~thirty~~ ten years, or fined not more than fifty thousand dollars, or both. For a third or subsequent offense, the offender must be imprisoned not ~~less than ten years nor~~ more than ~~thirty~~ fifteen years, or fined not more than fifty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item ~~for a first offense or second offense~~ may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits~~. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted~~;

(2) any other controlled substance classified in Schedule I, II, or III, flunitrazepam or a controlled substance analogue, is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than ~~five~~ three years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ~~ten~~ five years or fined not more than ten thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not ~~less than five years nor~~ more than ~~twenty~~ ten years, or fined not more than twenty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item ~~for a first offense or second offense~~ may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits~~. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted~~;

(3) a substance classified in Schedule IV except for flunitrazepam is guilty of a misdemeanor and, upon conviction, for a first offense must be imprisoned not more than three years or fined not more than three thousand dollars, or both. In the case of second or subsequent offenses, the person is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than six thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item ~~for a first offense or second offense~~ may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits~~. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted~~;

(4) a substance classified in Schedule V is guilty of a misdemeanor and, upon conviction, for a first offense must be imprisoned not more than one year or fined not more than one thousand dollars, or both. In the case of second or subsequent offenses, ~~the sentence must be twice the first offense~~ the offender is guilty of a misdemeanor and must be imprisoned not more than two years or fined not more than two thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item ~~for a first offense or second offense~~ may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. ~~Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted.~~

(c) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.

(d) A person who violates subsection (c) with respect to:

(1) a controlled substance classified in Schedule I (b) and (c) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. ~~For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both.~~ Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than two thousand dollars, or both, except as provided in subsection (d)(4). Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(3) cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense, the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. ~~For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both.~~ Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits;

(4) possession of more than: ~~one gram~~ four grams of cocaine, one hundred milligrams of alpha‑ or beta‑eucaine, ~~four grains~~ ten grains of opium, ~~four~~ ten grains of morphine, ~~two~~ ten grains of heroin, one hundred milligrams of isonipecaine, ~~twenty‑eight grams or one ounce~~ ten ounces of marijuana, ~~ten~~ one hundred grams of hashish, ~~fifty~~ one hundred micrograms of lysergic acid diethylamide (LSD) or its compounds, ~~fifteen tablets, capsules, dosage units, or the equivalent quantity~~ four grams of 3, 4‑methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to ~~twenty‑eight grams or one ounce~~ ten ounces or less of marijuana or ~~ten~~ twenty‑eight grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44‑53‑450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of Sections 17‑22‑10 through 17‑22‑160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

(e) Any person who knowingly sells, manufactures, cultivates, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of:

(1) ~~ten~~ twenty pounds or more of marijuana is guilty of a felony which is known as ‘trafficking in marijuana’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) ~~ten~~ twenty pounds or more, but less than ~~one~~ two hundred pounds:

1. for a first offense, a term of imprisonment of not ~~less than one year nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of ten thousand dollars;

2. for a second offense, a term of imprisonment of not ~~less than five years nor~~ more than ~~twenty~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifteen thousand dollars;

3. for a third or subsequent offense, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(b) ~~one~~ two hundred pounds or more, but less than ~~two~~ one thousand pounds, or more than one hundred to one thousand marijuana plants regardless of weight, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(c) ~~two~~ one thousand pounds or more, ~~but less than ten thousand pounds,~~ or more than one thousand marijuana plants~~, but less than ten thousand marijuana plants~~ regardless of weight, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

~~(d)~~ ~~ten thousand pounds or more, or ten thousand marijuana plants, or more than ten thousand marijuana plants regardless of weight, a term of imprisonment of not less than twenty‑five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;~~

(2) ~~ten~~ twenty‑eight grams or more of cocaine or any mixtures containing cocaine, as provided in Section 44‑53‑210(b)(4), is guilty of a felony which is known as ‘trafficking in cocaine’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) ~~ten~~ twenty‑eight grams or more, but less than ~~twenty‑eight~~ one hundred grams:

1. for a first offense, a term of imprisonment of not ~~less than three years nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

2. for a second offense, a term of imprisonment of not ~~less than five years nor more than thirty~~ more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

3. for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(b) ~~twenty‑eight~~ one hundred grams or more, but less than ~~one~~ four hundred grams:

1. for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

2. for a second offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

3. for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years and not~~ more than ~~thirty~~ twenty‑five years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(c) ~~one~~ four hundred grams or more, ~~but less than two hundred grams,~~ a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

~~(d)~~ ~~two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;~~

~~(e)~~ ~~four hundred grams or more, a term of imprisonment of not less than twenty‑five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;~~

(3) four grams or more of any morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44‑53‑190 or 44‑53‑210, or four grams or more of any mixture containing any of these substances, is guilty of a felony which is known as ‘trafficking in illegal drugs’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) four grams or more, but less than fourteen grams:

1. for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ ten years, ~~no part of which may be suspended nor probation granted, and~~ or a fine of not more than fifty thousand dollars, or both;

2. for a second or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty‑eight grams, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of two hundred thousand dollars;

(c) twenty‑eight grams or more, a ~~mandatory~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~forty~~ twenty years, ~~no part of which may be suspended nor probation granted, and~~ or a fine of two hundred thousand dollars, or both;

(4) fifteen grams or more of methaqualone is guilty of a felony which is known as ‘trafficking in methaqualone’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) fifteen grams but less than one hundred fifty grams:

1. for a first offense, a term of imprisonment of not ~~less than one year nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of ten thousand dollars;

2. for a second or subsequent offense, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(b) one hundred fifty grams but less than fifteen hundred grams, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(c) fifteen hundred grams ~~but less than fifteen kilograms~~ or more, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty‑five years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

~~(d) fifteen kilograms or more, a term of imprisonment of not less than twenty‑five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;~~

(5) one hundred tablets, capsules, dosage units, or the equivalent quantity, or more of lysergic acid diethylamide (LSD) is guilty of a felony which is known as ‘trafficking in LSD’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) one hundred dosage units or the equivalent quantity, or more, but less than five hundred dosage units or the equivalent quantity:

1. for a first offense, a term of imprisonment of not ~~less than three years nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty thousand dollars;

2. for a second offense, a term of imprisonment of not ~~less than five years nor~~ more than ~~thirty~~ fifteen years~~, no part of which may be suspended or probation granted,~~ and a fine of forty thousand dollars;

3. for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(b) five hundred dosage units or the equivalent quantity, or more~~, but less than one thousand dosage units or the equivalent quantity~~:

1. for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

2. for a second offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

3. for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less~~ more than twenty‑five years ~~and not more than thirty years, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

~~(c) one thousand dosage units or the equivalent quantity, or more, a mandatory term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;~~

(6) one gram or more of flunitrazepam is guilty of a felony which is known as ‘trafficking in flunitrazepam’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) one gram but less than one hundred grams:

1. for a first offense a term of imprisonment of not ~~less than one year nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of ten thousand dollars;

2. for a second or subsequent offense, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(b) one hundred grams but less than one thousand grams, a ~~mandatory~~ term of imprisonment of not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(c) one thousand grams ~~but less than five kilograms~~ or more, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

~~(d) five kilograms or more, a term of imprisonment of not less than twenty‑five years, nor more than thirty years, with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;~~

(7) fifty milliliters or milligrams or more of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid is guilty of a felony which is known as ‘trafficking in gamma hydroxybutyric acid’ and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not ~~less than one year nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of ten thousand dollars;

(b) for a second or subsequent offense, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars.

~~A person convicted and sentenced under this subsection to a mandatory term of imprisonment of twenty‑five years, a mandatory minimum term of imprisonment of twenty‑five years, or a mandatory minimum term of imprisonment of not less than twenty‑five years nor more than thirty years is not eligible for parole, extended work release, as provided in Section 24‑13‑610, or supervised furlough, as provided in Section 24‑13‑710.~~ Notwithstanding Section 44‑53‑420, a person convicted of conspiracy pursuant to this subsection must be sentenced as provided in this section with a full sentence or punishment and not one‑half of the sentence or punishment prescribed for the offense.

The weight of any controlled substance in this subsection includes the substance in pure form or any compound or mixture of the substance.

The offense of possession with intent to distribute described in Section 44‑53‑370(a) is a lesser included offense to the offenses of trafficking based upon possession described in this subsection.

(8) ~~one hundred tablets, capsules, dosage units, or the equivalent quantity,~~ twenty‑eight grams or more of 3, 4‑methalenedioxymethamphetamine (MDMA) is guilty of a felony which is known as “trafficking in MDMA or ecstasy” and, upon conviction, must be punished as follows if the quantity involved is:

(a) ~~one hundred dosage units or the equivalent quantity,~~ twenty‑eight grams or more, but less than ~~five hundred dosage units or the equivalent quantity~~ one hundred grams:

(i) for a first offense, a term of imprisonment of not ~~less than three years nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty thousand dollars;

(ii) for a second offense, a term of imprisonment of not ~~less than five years nor~~ more than ~~thirty~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of forty thousand dollars;

(iii) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(b) ~~five~~ one hundred ~~dosage units or the equivalent quantity,~~ grams or more, but less than ~~one thousand dosage units or the equivalent quantity~~ four hundred grams:

(i) for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(ii) for a second offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(iii) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of ~~not less than twenty‑five years and~~ not more than ~~thirty~~ twenty‑five years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(c) ~~one thousand dosage units or the equivalent quantity,~~ four hundred grams or more, a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of one hundred thousand dollars.

(f) It shall be unlawful for a person to administer, distribute, dispense, deliver, or aid, abet, attempt, or conspire to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit one of the following crimes against that individual:

(1) kidnapping, Section 16‑3‑910;

(2) trafficking in persons, Section 16‑3‑2020;

(3) criminal sexual conduct in the first, second, or third degree, Sections 16‑3‑652, 16‑3‑653, and 16‑3‑654;

(4) criminal sexual conduct with a minor in the first, second, or third degree, Section 16‑3‑655;

(5) criminal sexual conduct where victim is legal spouse (separated), Section 16‑3‑658;

(6) spousal sexual battery, Section 16‑3‑615;

(7) engaging a child for a sexual performance, Section 16‑3‑810;

(8) petit larceny, Section 16‑13‑30 (A); or

(9) grand larceny, Section 16‑13‑30 (B).

(g) A person who violates subsection (f) with respect to:

(1) a controlled substance classified in Schedule I (b) or (c) which is a narcotic drug or lysergic acid diethylamide (LSD), or in Schedule II which is a narcotic drug is guilty of a felony and, upon conviction, must be:

(a) for a first offense, imprisoned not more than twenty years or fined not more than thirty thousand dollars, or both;

(b) for a second offense, or if in the case of a first conviction of a violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not ~~less than five years nor~~ more than thirty years, or fined not more than fifty thousand dollars, or both;

(c) for a third or subsequent offense, or if the offender previously has been convicted two or more times in the aggregate of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not ~~less than fifteen years nor~~ more than thirty years, or fined not more than fifty thousand dollars, or both~~.~~

~~Except in the case of conviction for a first offense, the sentence in this item must not be suspended and probation must not be granted~~;

(2) any other controlled substance or gamma hydroxybutyrate is guilty of a felony and, upon conviction, must be:

(a) for a first offense, imprisoned not more than fifteen years or fined not more than twenty‑five thousand dollars, or both;

(b) for a second offense, or if in the case of a first conviction of a violation of any provision of this subsection, the offender previously has been convicted of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not more than twenty years or fined not more than thirty thousand dollars, or both;

(c) for a third or subsequent offense, or if the offender previously has been convicted two or more times in the aggregate of a violation of the laws of the United States or of any state, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, imprisoned not ~~less than five years nor~~ more than twenty‑five years, or fined not more than forty thousand dollars, or both.

~~Except in the case of conviction for a first offense, the sentence in this item must not be suspended and probation must not be granted.~~”

SECTION 174. Section 44‑53‑375 of the 1976 Code is amended to read:

“Section 44‑53‑375. (A) A person possessing less than ~~one gram~~ four grams of methamphetamine or cocaine base, as defined in Section 44‑53‑110, is guilty of a misdemeanor and, upon conviction for a first offense, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than seven thousand five hundred dollars, or both. ~~For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both.~~ Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

(B) A person who manufactures, distributes, dispenses, delivers, purchases, or otherwise aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with intent to distribute, dispense, or deliver methamphetamine or cocaine base, in violation of the provisions of Section 44‑53‑370, is guilty of a felony and, upon conviction:

(1) for a first offense, must be sentenced to a term of imprisonment of not more than ~~fifteen~~ five years or fined not more than twenty‑five thousand dollars, or both;

(2) for a second offense, the offender must be imprisoned for not ~~less than five years nor~~ more than ~~thirty~~ ten years, or fined not more than fifty thousand dollars, or both~~;~~

(3) for a third or subsequent offense, the offender must be imprisoned for not ~~less than ten years nor~~ more than ~~thirty~~ fifteen years, or fined not more than fifty thousand dollars, or both.

Possession of ~~one~~ four or more grams of methamphetamine or cocaine base is prima facie evidence of a violation of this subsection. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection ~~for a first offense or second offense~~ may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. ~~Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which all prior offenses were for possession of a controlled substance pursuant to subsection (A), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted.~~

(C) A person who knowingly sells, manufactures, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of ~~ten~~ twenty‑eight grams or more of methamphetamine or cocaine base, as defined and otherwise limited in Section 44‑53‑110, 44‑53‑210(d)(1), or 44‑53‑210(d)(2), is guilty of a felony which is known as ‘trafficking in methamphetamine or cocaine base’ and, upon conviction, must be punished as follows if the quantity involved is:

(1) ~~ten~~ twenty‑eight grams or more, but less than ~~twenty‑eight~~ one hundred grams:

(a) for a first offense, a term of imprisonment of not ~~less than three years nor~~ more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(b) for a second offense, a term of imprisonment of not ~~less than five years nor~~ more than ~~thirty~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(c) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(2) ~~twenty‑eight~~ one hundred grams or more, but less than ~~one~~ four hundred grams:

(a) for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(b) for a second offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(c) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of ~~not less than twenty‑five years and~~ not more than ~~thirty~~ twenty‑five years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(3) ~~one~~ four hundred grams or more, ~~but less than two hundred grams,~~ a ~~mandatory~~ term of imprisonment of not more than ~~twenty‑five~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars~~;~~

~~(4)~~ ~~two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;~~

~~(5)~~ ~~four hundred grams or more, a term of imprisonment of not less than twenty‑five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars~~.

(D) Possession of equipment or paraphernalia used in the manufacture of cocaine, cocaine base, or methamphetamine is prima facie evidence of intent to manufacture.

(E)(1) It is unlawful for any person, other than a manufacturer, practitioner, dispenser, distributor, or retailer to knowingly possess any product that contains nine grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances. A person who violates this subsection is guilty of a felony known as ‘trafficking in ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) ~~nine~~ twenty‑eight grams or more, but less than ~~twenty‑eight~~ one hundred grams:

(i) for a first offense, a term of imprisonment of not more than ten years~~, no part of which may be suspended nor probation granted,~~ and a fine of twenty‑five thousand dollars;

(ii) for a second offense, a term of imprisonment of not ~~less than five years nor~~ more than ~~thirty~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(iii) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not ~~less than twenty‑five years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(b) ~~twenty‑eight~~ one hundred grams or more, but less than ~~one~~ four hundred grams:

(i) for a first offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~twenty‑five~~ fifteen years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(ii) for a second offense, a term of imprisonment of not ~~less than seven years nor~~ more than ~~thirty~~ twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(iii) for a third or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of ~~not less than twenty‑five years and~~ not more than ~~thirty~~ twenty‑five years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars;

(c) ~~one~~ four hundred grams or more, ~~but less than two hundred grams,~~ a ~~mandatory~~ term of imprisonment of ~~twenty‑five~~ not more than twenty years~~, no part of which may be suspended nor probation granted,~~ and a fine of fifty thousand dollars~~;~~

~~(d)~~ ~~two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;~~

~~(e)~~ ~~four hundred grams or more, a term of imprisonment of not less than twenty‑five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars~~.

(2) This subsection does not apply to:

(a) a consumer who possesses products:

(i) containing ephedrine, pseudoephedrine, or phenylpropanolamine in a manner consistent with typical medicinal or household use, as indicated by storage location, and possession of the products in a variety of strengths, brands, types, purposes, and expiration dates; or

(ii) for agricultural use containing anhydrous ammonia if the consumer has reformulated the anhydrous ammonia by means of additive so as effectively to prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors’ salts, isomers, or salts of isomers, or a combination of any of these substances; or

(b) products labeled for pediatric use pursuant to federal regulations and according to label instructions primarily intended for administration to children under twelve years of age; or

(c) products that the Drug Enforcement Administration and the Department of Health and Environmental Control, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors’ salts, isomers, or salts of isomers, or a combination of any of these substances.

(3) This subsection preempts all local ordinances or regulations governing the possession of any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine.

(F) ~~Sentences for violation of the provisions of subsections (C) or (E) may not be suspended and probation may not be granted. A person convicted and sentenced under subsection (C) or (E) to a mandatory term of imprisonment of twenty‑five years, a mandatory minimum term of imprisonment of twenty‑five years, or a mandatory minimum term of imprisonment of not less than twenty‑five years nor more than thirty years is not eligible for parole, extended work release as provided in Section 24‑13‑610, or supervised furlough as provided in Section 24‑13‑710.~~

~~(G)~~ A person eighteen years of age or older may be charged with unlawful conduct toward a child pursuant to Section 63‑5‑70, if a child was present at any time during the unlawful manufacturing of methamphetamine.”

SECTION 175. Section 44‑55‑700 of the 1976 Code is amended to read:

“Section 44‑55‑700. The use, construction or installation of any septic tank in any such county without the prior approval of the county board of health as herein provided for shall be deemed a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars or imprisonment of not ~~less than five days nor~~ more than twenty days, and each day during which such violation shall continue shall constitute a separate offense.”

SECTION 176. Section 44‑61‑70(C) of the 1976 Code is amended to read:

“(C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while in the performance of his duties or violates a provision of this article or regulation of the board promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment for not ~~less than ten days nor~~ more than six months for each offense. Information pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is consistent with applicable statutory provisions.”

SECTION 177. Section 45‑2‑40(B) of the 1976 Code is amended to read:

“(B) A person who on the premises or property of a lodging establishment maliciously and wilfully commits a violation of this chapter resulting in damage to a lodging establishment room or its furnishings is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount of injury or damage to the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount of injury or damage to the property is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the amount of injury or damage to the property is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the amount of injury or damage to the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days.”

SECTION 178. Section 45‑3‑20 of the 1976 Code is amended to read:

“Section 45‑3‑20. All such towns and cities may, by ordinance, provide for the inspection of all such places by some competent person appointed by the mayor or intendant and all persons conducting or operating such places shall at all times permit and allow inspections to be made of their premises by such inspectors. Any person who shall refuse to allow such inspection or who shall obstruct any officer whose duty it is to make such inspection shall be guilty of a misdemeanor and, upon conviction, shall be subject to such penalties as such towns or cities may impose by ordinance, not exceeding a fine of one hundred dollars or imprisonment for not more than thirty days.”

SECTION 179. Section 45‑9‑90 of the 1976 Code is amended to read:

“Section 45‑9‑90. A person violating the provisions of Article 1 is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not ~~less than six months nor~~ more than three years, or both, in the discretion of the court. Each violation is considered a separate offense.”

SECTION 180. Section 46‑1‑20 of the 1976 Code is amended to read:

“Section 46‑1‑20. A person who steals from the field any grain, cotton, or vegetables, whether severed from the freehold or not, is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five hundred dollars if the value of the crop is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the crop is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the crop is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the crop is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.”

SECTION 181. Section 46‑1‑40 of the 1976 Code is amended to read:

“Section 46‑1‑40. A person who steals tobacco plants, whether severed from the freehold or not, from any tobacco plant beds is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five hundred dollars if the value of the tobacco plants is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the tobacco plants is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year if the value of the tobacco plants is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the tobacco plants is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.”

SECTION 182. Section 46‑1‑60 of the 1976 Code is amended to read:

“Section 46‑1‑60. (A) It is unlawful for a person engaged in the business of buying cotton, corn, rice, or similar commodities, either on his own account or for others, to buy commodities from a planter, commission merchant, or any other person for cash and fail or refuse to pay for it and make away with or dispose of it before he has paid for it.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the sale amount of the commodities is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the sale amount of the commodities is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the sale amount of the commodities is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the sale amount of the commodities is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 183. Section 46‑1‑70 of the 1976 Code is amended to read:

“Section 46‑1‑70. (A) It is unlawful for a factor or commission merchant to receive from a planter cotton, rice, or other agricultural produce for sale and:

(1) sell the produce and fail to pay over the net proceeds to the planter on demand;

(2) apply the produce to his own use and benefit; or

(3) fail to account for the produce in a satisfactory manner if unsold.

(B) A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the sale amount of the commodities is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the sale amount of the commodities is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the sale amount of the commodities is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the sale amount of the commodities is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 184. Section 46‑9‑80 of the 1976 Code is amended to read:

“Section 46‑9‑80. A person who seeks to prevent an inspection under the direction of the commission, the director, or his deputies, assistants, or agents or who otherwise interferes with the director or his assistants, deputies, or agents, while in the performance of their duties under this chapter and other chapters of this title assigned to the jurisdiction of the commission, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than two hundred dollars or imprisoned not ~~less than ten nor~~ more than thirty days, or both, for a first offense and for a second offense in the discretion of the court.”

SECTION 185. Section 46‑9‑90(A) of the 1976 Code is amended to read:

“(A) A person violating this chapter or chapters assigned to the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not ~~less than ten nor~~ more than thirty days for a first offense and for a second offense in the discretion of the court.”

SECTION 186. Section 46‑17‑400 of the 1976 Code is amended to read:

“Section 46‑17‑400. (a) It shall be a misdemeanor:

(1) For any person to violate any provision of this chapter or any provision of any marketing agreement or order duly issued.

(2) For any person to willfully furnish a false or fraudulent report required by this chapter or to willfully fail or refuse to furnish such report.

(3) For any person engaged in the wholesale or retail trade to refuse to furnish to the Commission, upon request, information concerning the name and address of the person from whom he has received an agricultural commodity regulated by a marketing agreement or order and the grade, quantity and price of such commodity.

(b) Every person convicted of any such misdemeanor shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment of not ~~less than ten days nor~~ more than six months, or both, in the discretion of the court. Each violation during any day shall constitute a separate offense.”

SECTION 187. Section 46‑29‑20 of the 1976 Code is amended to read:

“Section 46‑29‑20. Any person who shall knowingly and wilfully pack into any bag or bale of cotton any stone, wood, trash cotton, cottonseed, water or any matter or thing whatsoever or cause such packing to be done, with the intent and purpose of cheating or defrauding any person whomsoever in the sale of such cotton, or who shall exhibit or offer for sale any bag or bale of cotton so fraudulently packed, at the time of such exhibit or offer for sale any such bag or bale of cotton knowing it to be so fraudulently packed, shall on conviction thereof be sentenced to pay a fine of not more than five hundred dollars nor less than twenty dollars and to be imprisoned for a term of not more than six months ~~nor less than one month~~.”

SECTION 188. Section 47‑1‑40 of the 1976 Code is amended to read:

“Section 47‑1‑40. (A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill‑treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not ~~less than one hundred eighty days and not to exceed~~ more than five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.”

SECTION 189. Section 47‑1‑60 of the 1976 Code is amended to read:

“Section 47‑1‑60. Any person who (a) cuts the tissue or muscle of the tail of any horse, ass, mule, mare or gelding, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, except when such cutting or operation is necessary for the health or life of the animal, as certified to in writing by a licensed veterinarian, (b) causes, procures or knowingly permits such cutting or operation to be done or (c) assists in or is voluntarily present at such cutting or operation shall be guilty of a misdemeanor.

Any person convicted of violating any of the provisions of this section shall be fined not less than fifty nor more than one hundred dollars or imprisoned not ~~less than fifteen nor~~ more than thirty days.”

SECTION 190. Section 47‑3‑530 of the 1976 Code is amended to read:

“Section 47‑3‑530. Any person stealing any positively identifiable dog is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not ~~less than thirty days nor~~ more than six months, or both.

Any person killing any dog when owner may be identified by means of a collar bearing sufficient information or some other form of positive identification is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not ~~less than thirty days nor~~ more than six months, or both. This paragraph does not apply to the killing of a dog threatening to cause or causing personal injury or property damage.”

SECTION 191. Section 47‑3‑630 of the 1976 Code is amended to read:

“Section 47‑3‑630. A person who violates any of the provisions of this article, except for Section 47‑3‑620, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not ~~less than thirty days nor~~ more than six months, or both. A person who violates the provisions of Section 47‑3‑620 is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars and imprisoned not ~~less than one year nor~~ more than five years.”

SECTION 192. Section 47‑3‑950 of the 1976 Code is amended to read:

“Section 47‑3‑950. (A) It is unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not ~~less~~ more than one year, or both.”

SECTION 193. Section 47‑7‑160 of the 1976 Code is amended to read:

“Section 47‑7‑160. Whenever any animal shall be taken up under the provisions of this article, it shall be unlawful for any person to rescue it or deliver it from the custody of the person impounding it; and whoever shall violate this provision shall be guilty of a misdemeanor and be punished by a fine of not less than five nor more than thirty dollars or by imprisonment in the county jail not ~~less than five nor~~ more than thirty days.”

SECTION 194. Section 47‑9‑410 of the 1976 Code is amended to read:

“Section 47‑9‑410. Any person convicted of a violation of this article shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not ~~less than thirty days nor~~ more than one year, or by both such fine and imprisonment.”

SECTION 195. Section 47‑13‑70 of the 1976 Code is amended to read:

“Section 47‑13‑70. Any person who shall knowingly sell or expose for sale the flesh of any animal which (a) was diseased or seriously injured at the time of slaughtering, (b) died a natural death or (c) may be found dead from a cause unknown to such person shall be guilty of a misdemeanor and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned not ~~less than ten nor~~ more than thirty days; provided, that this section shall not apply to the sale of the flesh of any animal which is accidentally killed when the same is immediately prepared for market and the seller informs the buyer of the time, place and nature of the death of such animal.”

SECTION 196. Section 48‑23‑265(C) of the 1976 Code is amended to read:

“(C) If the value of the forest products is five thousand dollars or more, a person who violates subsection (A) is guilty of a felony and, upon conviction, must be punished:

(1) for a first offense by a fine of not less than three hundred dollars nor more than one thousand dollars or by imprisonment for not more than two years, or both; or

(2) for a second or subsequent offense by a fine of not less than five hundred dollars nor more than two thousand dollars and imprisonment for not ~~less than thirty days nor~~ more than ten years.”

SECTION 197. Section 48‑43‑550(f) of the 1976 Code is amended to read:

“(f) Requirements that, before being granted entry into any port in this State, the master of a vessel shall report:

(1) discharges of pollutants the vessel has had since leaving the last port;

(2) mechanical problems on the vessel which creates the possibility of a discharge;

(3) denial of entry into a port during the current cruise of the vessel.

A person who makes or causes to be made a false statement with a fraudulent intent in response to requirements of any provision of this article is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined five thousand dollars, or both.”

SECTION 198. Section 49‑1‑50 of the 1976 Code is amended to read:

“Section 49‑1‑50. (A) No person may sell any drifted lumber or timber, not the property of the person, without first advertising the sale of it at public auction at least three times and at least three days before the date of the sale in the newspaper having the greatest circulation in the county in which the drifted lumber or timber is found and taken, giving an accurate description of any and all marks by which the lumber or timber may be identified.

(B) It is unlawful for a person to:

(1) sell any drifted lumber or timber without having first advertised the sale;

(2) fail to pay the proceeds of the sale to the owner on application, after deducting the expenses; or

(3) advertise a sale and then refuse to deliver any drifted lumber or timber claimed by the rightful owner, before the date of the sale after the owner has offered to pay reasonable salvage expenses.

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

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the lumber or timber is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the lumber or timber is more than ~~two~~ five thousand dollars but less than ten thousand dollars;

(3) misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both, if the value of the lumber or timber is more than two thousand dollars but not more than five thousand dollars;

(4) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the lumber or timber is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

(D) A person who purchases drifted lumber or timber that has not been advertised as provided may be indicted as a receiver of stolen goods and must be fined or imprisoned as provided in Section 16‑13‑180.”

SECTION 199. Section 50‑1‑85 of the 1976 Code is amended to read:

“Section 50‑1‑85. It is unlawful for any person to use a firearm or archery tackle while in preparation for, engaged in the act of, or returning from hunting in a criminally negligent manner. Criminal negligence is defined as the reckless disregard for the safety of others.

A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be:

(1) in a case where no personal injury or property damage occurs, fined not more than two hundred dollars or imprisoned for not more than thirty days;

(2) in the case of property damage only, fined not more than one thousand dollars nor less than five hundred dollars or imprisoned for not more than six months, and the court must order restitution to the owner of the property;

(3) in the case of bodily injury to another, fined not less than five hundred dollars nor more than two thousand, five hundred dollars or imprisoned for not more than two years; if the bodily injury results in disfigurement, total or partial permanent disability, be imprisoned for not ~~less than sixty days nor~~ more than two years;

(4) in the case of death, be imprisoned for not ~~less than three months nor~~ more than three years.

~~No part of the minimum fines and penalties provided in this section may be suspended by any court in this State.~~

In addition to the criminal penalties provided above, the department must seize immediately the license of a person charged under this section and, upon conviction, the hunting privileges of a person convicted under item (1) or (2) above must be suspended for one year. A person convicted under item (3) of this section shall lose his privilege to hunt for three years, and a person convicted under item (4) of this section shall lose the privilege of hunting for five years.

A person convicted of hunting while his license is suspended under the provisions of this section must be fined not less than five hundred dollars nor more than two thousand, five hundred dollars or imprisoned for not more than two years and shall have his hunting privileges suspended for an additional five years.

The person may not obtain another hunting license until he has completed satisfactorily a hunter’s safety program conducted by the department.

All monetary penalties shall be remitted to the South Carolina Victim Compensation Fund.”

SECTION 200. Section 50‑1‑125 of the 1976 Code is amended to read:

“Section 50‑1‑125. Wildlife, as used in this section, means a wild animal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal, or product, egg, offspring, or the dead body parts of the wildlife.

A person illegally buying, selling, trading, trafficking, or bartering any wildlife, upon conviction, must be punished as follows:

(1) For the first offense, if the money or other consideration exchanged for the wildlife is of a value of two hundred dollars or less, the penalty must be a fine of not more than two hundred dollars or imprisonment for no more than thirty days.

(2) For the first offense, if the money or other consideration exchanged for the wildlife is of a value of more than two hundred dollars, the penalty must be a fine of not less than five hundred dollars nor more than five thousand dollars or imprisonment for not ~~less than thirty days nor~~ more than one year, or both. In addition, the person convicted shall lose his hunting and fishing privileges for one year from the date of conviction.

(3) For a second offense, within three years of the first offense, the fine must be not less than one thousand dollars nor more than five thousand dollars or imprisonment for not ~~less than thirty days nor~~ more than one year. In addition to this penalty, the person shall lose his hunting and fishing privileges for three years.

(4) For a third or subsequent offense, within three years of the last previous conviction, the fine must be five thousand dollars, no part of which may be suspended, or imprisonment for not more than one year, or both. In addition to this penalty, the person shall lose his hunting and fishing privileges for three years from the date of conviction.”

SECTION 201. Section 50‑1‑130 of the 1976 Code is amended to read:

“Section 50‑1‑130. Unless a different penalty is specified, any person who violates a provision of this title is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than two hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days.”

SECTION 202. Section 50‑5‑730 of the 1976 Code is amended to read:

“Section 50‑5‑730. It is unlawful to trawl within one‑half nautical mile of any public fishing pier in the salt waters. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not ~~less~~ more than thirty days.”

SECTION 203. Section 50‑5‑2535 of the 1976 Code is amended to read:

“Section 50‑5‑2535. A person engaging in activities prohibited by this chapter while the person is under suspension, is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned thirty days and have all saltwater privileges suspended for an additional three‑year period. A person convicted of a second or subsequent offense under this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than one year, and have all saltwater privileges suspended for an additional five years.”

SECTION 204. Section 50‑11‑100(B) of the 1976 Code is amended to read:

“(B) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned for not ~~less than one year nor~~ more than three years, or both. The hunting and fishing privileges of a person convicted under the provisions of this section must also be suspended for two years. In addition, the court in which a person violating this section is convicted may order that restitution be paid to the department of not less than one thousand five hundred dollars for each animal taken in violation of this section and shall be ordered to remove the enclosure.”

SECTION 205. Section 50‑11‑730 of the 1976 Code is amended to read:

“Section 50‑11‑730. It is unlawful for any person to hunt, shoot, or in any way kill deer from a motorboat, raft, or other water conveyance or to molest deer while any part of the deer is in the water. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned for not ~~less than thirty days nor~~ more than ninety days or be fined not less than one hundred dollars nor more than five hundred dollars.

‘Hunting’, as used in this section in reference to a vehicle, boat, or device, includes the transportation of a hunter to or from the place of hunting in violation of this section, or the transportation of the carcass of a deer, or any part of a deer, which has been unlawfully hunted or killed in violation of this section.

In addition to the penalty herein, every boat, raft, or other water conveyance, vehicle, animal, firearm, and any other device being used in the violation of this section must be confiscated and delivered to the department.

For purposes of this section, a conviction for unlawfully hunting deer from boats or other water conveyances is conclusive as against any convicted owner of the above‑mentioned property.

In all other cases, the forfeiture and sale is accomplished by the procedure set forth in Section 50‑11‑740.”

SECTION 206. Section 50‑11‑810 of the 1976 Code is amended to read:

“Section 5‑11‑810. All species of game birds for which the legislature has not provided a specific open season are protected and may not be shot, trapped, destroyed, or attempted to be shot, trapped, or destroyed at any time. The department may prescribe an open season for the taking of exotic game birds, prescribe the method by which they may be taken, and fix the specific areas of any zone in which these exotic species may become numerous enough to be harvested. All areas not specifically open to hunting are closed to hunting. The department may designate the sex that may be taken and may prescribe any other regulations that may be considered wise and expedient for the harvest of these new game birds. Any person taking, attempting to take, or having in his possession these exotic game birds illegally or taking, attempting to take, or killing these exotic game birds in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not ~~less than fifteen days nor~~ more than thirty days. The provisions of this section are applicable to ruffed grouse.”

SECTION 207. Section 50‑11‑852 of the 1976 Code is amended to read:

“Section 50‑11‑852. It is unlawful for any person to molest or kill any of the birds of prey within this State. Birds of prey include all hawks, eagles, falcons, kites, vultures, owls, and ospreys. Anyone violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. However, if the bird of prey is a bald eagle, the person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or be imprisoned for not ~~less than thirty days nor~~ more than one year, or both.

If the bird of prey is a bald eagle, the person convicted shall also lose his privilege to hunt in this State for a period of five years from the date he is convicted of this offense if the bald eagle was killed and for a period of five years if the bald eagle was molested. ‘Convicted’ for purposes of this section includes a plea of guilty or nolo contendere to the offense.”

SECTION 208. Section 50‑11‑1105 of the 1976 Code is amended to read:

“Section 50‑11‑1105. The department may declare a closed season for not over ten days at any one time in any area in the State when it appears on account of abnormal conditions that deer or other game cannot protect themselves. The department shall give notice of the closed season so declared by publication in at least two daily newspapers and in a newspaper of the county or counties in which the closed season is declared if the county has a newspaper, stating the length or period of the closed season. Any person found hunting with firearms, bows and arrows, or other game‑taking devices, or dog within the restricted territory during a closed season so declared is guilty of a violation of the provisions of this section, regardless of whether he has or has not killed or taken any game. The penalty for a violation of the provisions of this section is a fine of not less than one hundred dollars nor more than two hundred dollars or imprisonment for not ~~less~~ more than thirty days.”

SECTION 209. Section 50‑11‑1110 of the 1976 Code is amended to read:

“Section 50‑11‑1110. When in any county of the State there exist abnormal conditions that might affect the supply of game or there is an abnormal scarcity of game, the department, upon the written request of a majority of the legislative delegation, including the Senator, from such county, may shorten or close the open season for hunting in any such county. The department shall give notice of the closed or shortened season by publication in at least two daily newspapers and in a newspaper of the county in which the closed or shortened season is declared, stating the length of the closed or shortened season. Any person found hunting with gun or dog within the restricted territory during a closed season so declared, is guilty of a violation of the provisions of this section, regardless of whether he has killed any game or not. The penalty for violation of the provisions of this section is a fine of not less than twenty‑five dollars nor more than one hundred dollars or imprisonment for not ~~less~~ more than thirty days.”

SECTION 210. Section 50‑11‑1340 of the 1976 Code is amended to read:

“Section 50‑11‑1340. The violation of any of the sections of this article is a misdemeanor. The manager, owner, or licensee, or any of them, of any shooting preserve provided for in this article is responsible for any violation of this article and, upon conviction, must be punished by a fine of not less than one hundred dollars nor more than two hundred dollars or imprisoned for not ~~less than fifteen days nor~~ more than thirty days and the license of the preserve must be revoked, within the discretion of the department. The preserve is not eligible for another license during the calendar year, nor thereafter, except on terms and conditions prescribed by the department.”

SECTION 211. Section 50‑11‑1730 of the 1976 Code is amended to read:

“Section 50‑11‑1730. It is lawful for any landowner or licensee to ship or carry beyond the limits of this State during any one week not over the bag limit for one day, as provided by law, of any domestic game birds or animals, when he has conformed to the regulations prescribed by the department under this section. Any landowner or licensee desiring to ship domestic game birds or animals beyond the limits of the State during the open season for such game birds or animals shall make application to the department, giving location of property and class and serial number of license held, and, upon the application, if it appears to the department that the shipment is for private, personal, or charitable use and not for sale of the game birds or animals, it may issue to the applicant a tag or label for use in shipping the game birds or animals. The tag or label must be of a design and in a form the department prescribes. Any person shipping or receiving for shipment beyond the limits of the State any domestic game birds or animals in violation of the provisions of this section is liable to a fine of not less than fifty dollars nor more than one hundred dollars or imprisonment for not more than thirty days for each offense.”

SECTION 212. Section 50‑11‑2210 of the 1976 Code is amended to read:

“Section 50‑11‑2210. The abuse, misuse, damage, or destruction of wildlife management area land, Heritage Trust land, or department owned land or improvements on these lands is unlawful. A person who abuses, misuses, damages, or destroys these lands or improvements on them including, but not limited to, roads, vegetation, buildings, structures, or fences or leaves refuse, trash, or other debris on the property, or who otherwise abuses, damages, destroys, or misuses these lands is guilty of a misdemeanor and, upon conviction, must be fined two hundred dollars and be required to make restitution to the landowner in an amount determined by the court to be necessary to repair, rebuild, clean up, or restore the property to its condition before the abuse occurred. A person failing to make restitution within the time limit set by the court must serve a ~~mandatory ten‑day~~ sentence of not more than ten days in the county jail ~~which may not be suspended in whole or in part~~. The provisions of this section are in addition to other criminal penalties.”

SECTION 213. Section 50‑11‑2640(B) of the 1976 Code is amended to read:

“(B) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than one year. A conviction for a second offense occurring within five years of a first offense conviction is punishable by a fine of five thousand dollars or imprisonment for not more than two years. For a second offense conviction within five years of the date of a first conviction, the enclosure and associated property is ineligible permanently for an enclosure permit.”

SECTION 214. Section 50‑13‑1210 of the 1976 Code is amended to read:

“Section 50‑13‑1210. No permanent obstruction of any kind or nature whatever, other than a dam for manufacturing purposes, shall be placed in any of the inland creeks, streams or waters of the State so as to obstruct the free migration of fish. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, shall be fined in the sum of two hundred dollars or be imprisoned for a period of not ~~less than three nor~~ more than six months, or both, in the discretion of the court trying the case. Whenever any such permanent obstruction shall be found, any enforcement officer or any law enforcement officer may, in the name of the State, destroy or take down such obstruction or so much of it as is necessary to again permit the free migration of fish.”

SECTION 215. Section 50‑13‑1410 of the 1976 Code is amended to read:

“Section 50‑13‑1410. It shall be unlawful for any person to throw, run, drain or deposit any dyestuffs, coal tar, oil, sawdust, poison or other deleterious substance in any of the waters, either fresh or salt, which are frequented by game fish within the territorial jurisdiction of this State in quantities sufficient to injure, stupefy or kill any fish or shellfish or be destructive to their spawn which may inhabit such waters, and the master or captain in charge of any boat, ship or vessel shall be responsible for the discharge of any of such substances from his vessel. Any person convicted of violating this section shall be fined not less than three hundred dollars nor more than one thousand dollars or imprisoned not ~~less than three months nor~~ more than one year, or both fined and imprisoned in the discretion of the court. The department shall diligently enforce this section.”

SECTION 216. Section 50‑13‑1420 of the 1976 Code is amended to read:

“Section 50‑13‑1420. It is unlawful to poison the streams or waters of the State in any manner whatsoever for the purpose of taking fish or to introduce, produce or set up electrical currents or physical shocks, pressures or disturbances therein for the purpose of taking fish. The muddying of streams or ponds or the introduction of any substance which results in making the fish sick, so that they may be caught, is hereby declared to be ‘poisoning’ in the sense of this section. No sawdust, acid or other injurious substance shall be discharged into any of the streams of the State where fish breed or abound. For a violation of this section the person so violating it shall be fined not less than twenty‑five dollars nor more than three hundred dollars or be imprisoned for not ~~less than one day nor~~ more than thirty days.”

SECTION 217. Section 50‑13‑1430 of the 1976 Code is amended to read:

“Section 50‑13‑1430. Should any person cause to flow into or be cast into any of the creeks, streams or inland waters of this State any impurities that are poisonous to fish or destructive to their spawn, such person shall, upon conviction thereof, be punished with a fine of not less than five hundred dollars or imprisonment of not ~~less~~ more than six months ~~in the county jail~~.”

SECTION 218. Section 50‑13‑1630(G) of the 1976 Code is amended to read:

“(G) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred nor more than two thousand five hundred dollars or imprisoned for not more than thirty days, or both.”

SECTION 219. Section 50‑13‑2015(E) of the 1976 Code is amended to read:

“(E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five nor more than one hundred dollars or imprisoned not ~~less than fifteen nor~~ more than thirty days.”

SECTION 220. Section 50‑18‑285(C) of the 1976 Code is amended to read:

“(C) Any person who violates this section is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not ~~less than thirty days nor~~ more than one year. For a second or subsequent offense and, upon conviction, must be fined five thousand dollars, no part of which may be suspended, or imprisoned for one year, or both. Equipment, vessels, and vehicles used in a second or subsequent violation must be seized and forfeited to the department.”

SECTION 221. Section 50‑19‑251(E) of the 1976 Code is amended to read:

“(E) A person violating a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars or more than one hundred dollars or imprisoned not ~~less than ten days or~~ more than thirty days, or both.”

SECTION 222. Section 50‑19‑590 of the 1976 Code is amended to read:

“Section 50‑19‑590. Any person violating any provision of this article shall be guilty of a misdemeanor and shall be punished as follows:

(1) for a first offense by a fine of not less than twenty‑five dollars nor more than one hundred dollars or by imprisonment of not ~~less than ten days or~~ more than thirty days;

(2) for a second offense by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment of not ~~less than fifteen days or~~ more than thirty days; and

(3) for a third offense by a fine of not less than two hundred dollars or by imprisonment of not ~~less~~ more than thirty days, in the discretion of the court having jurisdiction.”

SECTION 223. Section 50‑19‑1190 of the 1976 Code is amended to read:

“Section 50‑19‑1190. (A) There is created a fish sanctuary in Marion County to be known as Shelly Lake.

(B) It is unlawful for a person to fish, seine, net, or otherwise enter upon Shelly Lake in Marion County, located one‑half mile south of Red Bluff Landing on the west side of the Little Pee Dee River. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars or more than one hundred dollars or imprisoned not ~~less than fifteen days or~~ more than thirty days.”

SECTION 224. Section 50‑21‑112(B) of the 1976 Code is amended to read:

“(B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished:

(1) for a first offense, by a fine of two hundred dollars or imprisonment for not ~~less than forty‑eight hours nor~~ more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when it does not interfere with the offender’s regular employment under terms and conditions, as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the minimum sentence;

(2) for a second offense, by a fine of not less than two thousand dollars nor more than five thousand dollars and imprisonment for not ~~less than forty‑eight hours nor~~ more than one year. However, the fine imposed by this item may not be suspended in an amount less than one thousand dollars. Instead of service of imprisonment, the court may require that the individual complete an appropriate term of public service employment of not less than ten days upon terms and conditions the court considers proper. Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside;

(3) for a third offense, by a fine of not less than three thousand five hundred dollars nor more than six thousand dollars and imprisonment for not ~~less than sixty days nor~~ more than three years.”

SECTION 225. Section 50‑21‑113(A) of the 1976 Code is amended to read:

“(A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs operates a moving water device, or is in actual control of a moving water device within this State and causes great bodily injury or death of a person other than himself, is guilty of a felony and, upon conviction, must be punished by a mandatory fine of not less than:

(1) five thousand dollars nor more than ten thousand dollars and ~~mandatory~~ imprisonment for not ~~less than thirty days nor~~ more than fifteen years when great bodily injury results;

(2) ten thousand dollars nor more than twenty‑five thousand dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

No part of the mandatory sentences required to be imposed by this section may be suspended, and probation may not be granted for any portion.”

SECTION 226. Section 50‑21‑117 of the 1976 Code is amended to read:

“Section 50‑21‑117. (A) A person who operates any water device while his privileges are suspended is guilty of a misdemeanor and, upon conviction, must be fined two hundred dollars or imprisoned for not more than thirty days for the first violation; for a second violation must be fined five hundred dollars and imprisoned for not more than sixty ~~consecutive~~ days; and for a third or subsequent violation must be imprisoned for not ~~less than ninety days nor~~ more than six months~~, no portion of which may be suspended by the trial judge~~.

(B) If the privileges of the person convicted were suspended pursuant to the provisions of Section 50‑21‑112 or 50‑21‑113, he must be punished as follows ~~and no part of the minimum sentence may be suspended~~:

(1) for a first offense, imprisoned for not ~~less than ten nor~~ more than thirty days;

(2) for a second offense, imprisoned for not ~~less than sixty days nor~~ more than six months;

(3) for a third and subsequent offense, not ~~less than six months nor~~ more than three years.

(C) A person who is convicted under the provisions of subsection (A) must have his privileges suspended for an additional three years by the department.

(D) The suspension penalties assessed under this section are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.”

SECTION 227. Section 50‑23‑385 of the 1976 Code is amended to read:

“Section 50‑23‑385. Houseboats used for habitation may be indefinitely moored at a private dock as long as the houseboat has a waste‑holding tank. Waste pump‑out must be done at an approved pump‑out facility. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars or imprisonment for not more than thirty days, or both.”

SECTION 228. Section 52‑1‑40 of the 1976 Code is amended to read:

“Section 52‑1‑40. Any person owning, operating or connected with or employed by any carnival or show violating the provisions of Sections 52‑1‑10 or 52‑1‑20 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty‑five dollars nor more than one hundred dollars or by imprisonment for not ~~less than five nor~~ more than thirty days. Every performance or exhibition of such carnival or show shall be a separate offense.”

SECTION 229. Section 52‑13‑10 of the 1976 Code is amended to read:

“Section 52‑13‑10. It shall be unlawful for any person to keep open or admit persons to any public dancing hall owned or operated by him or to allow any person to continue thereat between the hours of twelve o’clock, midnight, Saturday and twelve o’clock, midnight, Sunday, and all such places shall be and remain closed to the public between such hours. The violation of the provisions of this section shall subject the offender to a fine of not less than ten nor more than fifty dollars for the first offense and for the second offense not less than fifty dollars nor more than one hundred dollars or imprisonment for not more than thirty days.”

SECTION 230. Section 52‑13‑40 of the 1976 Code is amended to read:

“Section 52‑13‑40. Any violation of the provisions of this article other than Section 52‑13‑10 shall be punishable for the first offense by a fine of not more than one hundred dollars nor less than twenty‑five dollars or by imprisonment for not more than thirty days and for a subsequent offense by a fine of not less than seventy‑five dollars nor more than one hundred dollars or by imprisonment for not ~~less than twenty‑five days nor~~ more than thirty days.”

SECTION 231. Section 54‑11‑50 of the 1976 Code is amended to read:

“Section 54‑11‑50. If any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct or shall wilfully and maliciously cause or aid, assist, counsel or advise any other person or persons to destroy or in any manner to hurt, damage, injure or obstruct any signal, monument or building or any appendage thereto, used or constructed under and by virtue of the act of Congress of the United States passed February 10, 1807, entitled ‘An Act to Provide for Surveying the Coast of the United States,’ and the supplements thereto, he shall be liable to be indicted therefor and, on conviction, shall be imprisoned not ~~less~~ more than one month or pay a fine not exceeding fifty dollars, or both, at the discretion of the court before which such conviction shall take place and shall be further liable to pay all expenses of repairing the same. And it shall not be competent for any person so offending to defend himself by pleading or giving in evidence that he was the owner or the agent or servant of the owner of the land where such damage was done or caused at the time it was caused or done.”

SECTION 232. Section 55‑1‑40 of the 1976 Code is amended to read:

“Section 55‑1‑40. (1) It is unlawful for a person to enter an aircraft or damage or remove from it any equipment or other property attached to it, affined to or otherwise on or in an aircraft without the permission of the owner or a person authorized by the owner to grant such permission.

(2) The provisions of this section do not apply to any airport personnel or other persons while acting in an official capacity except when such capacity is used to accomplish an unlawful purpose.

(3) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five thousand dollars nor more than ten thousand dollars or imprisoned not ~~less than one year nor~~ more than ten years.

(4) The provisions of this section are cumulative.”

SECTION 233. Section 55‑1‑100(E) of the 1976 Code is amended to read:

“(E) A person who violates the provisions of subsection (A), upon conviction, must be punished by a fine of one thousand dollars or imprisonment for not ~~less than forty‑eight hours or~~ more than one year, or both.”

SECTION 234. Section 55‑13‑40 of the 1976 Code is amended to read:

“Section 55‑13‑40. (1) It is unlawful, without proper authority, for any person to trespass, park, drive, or drag race upon airport property.

(2) A person violating the provisions of this section, upon, conviction must be fined not less than five hundred dollars or more than two thousand dollars or imprisoned for not ~~less than two months or~~ more than six months or both in the discretion of the trial judge. In addition to this penalty, the driver of a vehicle that violates the provisions of this section, upon conviction, entry of a plea of guilty or forfeiture of bail shall have his driver’s license revoked for a period of one year. A person violating the provisions of this section by acquiescing in or permitting the driving of his car, upon conviction, must be fined not more than one thousand dollars or imprisoned for a period not more than thirty days, or both, in the discretion of the court and, in addition, shall have his driver’s license and the registration of his vehicle suspended for a period of three months.”

SECTION 235. Section 56‑1‑350 of the 1976 Code is amended to read:

“Section 56‑1‑350. In all cases of cancellation, suspension, or revocation of drivers’ licenses, the Department of Motor Vehicles shall notify the licensee as prescribed in Section 56‑1‑360 that his license has been canceled, suspended, or revoked, and such licensee shall within ten days after notice of cancellation, suspension, or revocation return his license to the department. Any person wilfully failing to return his license as required by this section may, on conviction thereof, be fined one hundred dollars or imprisoned for not more than thirty days.”

SECTION 236. Section 56‑1‑440 of the 1976 Code is amended to read:

“Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not more than thirty days and, upon conviction of a second offense, be fined five hundred dollars or imprisoned for not more than forty‑five days, or both, and for a third and subsequent offense must be imprisoned for not ~~less than forty‑five days nor~~ more than six months. However, a charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.”

SECTION 237. Section 56‑1‑450 of the 1976 Code is amended to read:

“Section 56‑1‑460. Any person not licensed under this article or lawfully operating as a nonresident under this article, convicted of a violation for which suspension or revocation of driver’s license or privilege to operate is made mandatory, who shall thereafter operate a motor vehicle in this State before such time as he obtains a driver’s license from the Department of Motor Vehicles or until the Department shall find that he is properly qualified to operate as a nonresident, shall be punished by a fine of one hundred dollars or imprisonment for not more than thirty days, and the period of time during which the Department may not issue to him a driver’s license or find that he is properly qualified to operate as a nonresident shall be extended as provided in Section 56‑1‑460. Such license shall not be issued nor shall such findings be made until the lapse of the period of time counting from the date of conviction during which such person’s license would have been subject to suspension or revocation had he been properly licensed at the time of such offense.”

SECTION 238. Section 56‑1‑460(A)(2) of the 1976 Code is amended to read:

“(2) A person who drives a motor vehicle on a public highway of this State when the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56‑5‑2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not ~~less than ten nor~~ more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not ~~less than sixty days nor~~ more than six months;

(c) for a third or subsequent offense, fined one thousand dollars and imprisoned for not ~~less than six months nor~~ more than three years.

~~No portion of the minimum sentence imposed pursuant to this item may be suspended.~~”

SECTION 239. Section 56‑1‑2070(B) of the 1976 Code is amended to read:

“(B) A person operating a commercial motor vehicle as defined in Section 56‑1‑2030 and 49 ~~CFR~~ C.F.R. 383.5, without the proper class commercial license or permit with all applicable endorsements or restrictions as defined in Section 56‑1‑2100 must be placed out of service and is guilty of a misdemeanor and upon conviction of a first offense, must be fined not less than one hundred fifty dollars and not more than two hundred dollars or imprisoned for not more than thirty days and upon conviction of a second offense or subsequent offense must be fined not less than two hundred fifty dollars and not more than five hundred dollars or imprisoned for not more than forty‑five days or both.”

SECTION 240. Section 56‑3‑1910(J) of the 1976 Code is amended to read:

“(J)(1) Except as provided in item (2), a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped license plate or a person who falsifies information on an application form for a handicapped license plate is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

SECTION 241. Section 56‑3‑1960(K) of the 1976 Code is amended to read:

“(K)(1) Except as provided in item (2), a person that violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped placard or a person who falsifies information on an application form for a handicapped placard is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than thirty days and fined not less than five hundred dollars and not more than one thousand dollars.”

SECTION 242. Section 56‑3‑5400(A) of the 1976 Code is amended to read:

“(A) The department may issue ‘Fraternal Order of Police’ special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are active members in good standing with the Fraternal Order of Police. Identification of current membership must be presented at the time of initial application. The fee for each special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued. A person issued a special license plate pursuant to this section who is not or who ceases to be a member of the Fraternal Order of Police must remove the license plate from his vehicle on the date the license plate registration is due for renewal and obtain another valid license plate. A person who knowingly fails to surrender his license plate pursuant to this section is guilty of a misdemeanor and, upon conviction, may be fined one hundred dollars or sentenced to not more than thirty days in jail, or both.”

SECTION 243. Section 56‑5‑2930(A) and (B) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug or drugs or substances which cause impairment to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired. A person who violates the provisions of this section is guilty of the offense of driving under the influence and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty‑eight hours nor more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty‑eight hour sentence. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy‑two hours nor more than thirty days. However, in lieu of the seventy‑two hour minimum imprisonment, the court may provide for seventy‑two hours of public service employment. The minimum seventy‑two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty‑day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty‑day minimum sentence. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not ~~less than five days nor~~ more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not ~~less than thirty days nor~~ more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not ~~less than ninety days nor~~ more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not ~~less than sixty days nor~~ more than three years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not ~~less than ninety days nor~~ more than four years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not ~~less than six months nor~~ more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not ~~less than one year nor~~ more than five years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by imprisonment for not ~~less than two years nor~~ more than six years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by imprisonment for not ~~less than three years nor~~ more than seven years.

(B) ~~No part of the minimum sentences provided in this section may be suspended. Instead of public service employment the court may invoke another sentence provided in this section. For a second or subsequent offense of this section, the service of the minimum sentence is mandatory. However, the~~ The judge may provide for the sentence to be served upon terms and conditions as he considers proper including, but not limited to, weekend service or nighttime service in any fashion he considers necessary.”

SECTION 244. Section 56‑5‑2933(A) and (B) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is eight one‑hundredths of one percent or more. A person who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty‑eight hours nor more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty‑eight hour sentence. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy‑two hours nor more than thirty days. However, in lieu of the seventy‑two hour minimum imprisonment, the court may provide for seventy‑two hours of public service employment. The minimum seventy‑two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty‑day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty‑day minimum sentence. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not ~~less than five days nor~~ more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not ~~less than thirty days nor~~ more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not ~~less than ninety days nor~~ more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not ~~less than sixty days nor~~ more than three years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not ~~less than ninety days nor~~ more than four years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not ~~less than six months nor~~ more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not ~~less than one year nor~~ more than five years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by imprisonment for not ~~less than two years nor~~ more than six years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by imprisonment for not ~~less than three years nor~~ more than seven years.

(B) ~~No part of the minimum sentences provided in this section may be suspended. Instead of public service employment the court may invoke another sentence provided in this section. For a second or subsequent offense of this section, the service of the minimum sentence is mandatory. However, the~~ The judge may provide for the sentence to be served upon terms and conditions as he considers proper including, but not limited to, weekend service or nighttime service in any fashion he considers necessary.”

SECTION 245. Section 56‑5‑2945(A) of the 1976 Code is amended to read:

“(A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to another person, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and ~~mandatory~~ imprisonment for not ~~less than thirty days nor~~ more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty‑five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.”

SECTION 246. Section 56‑9‑340 of the 1976 Code is amended to read:

“Section 56‑9‑340. Any person (a) whose license and registration has been suspended as provided in this chapter, (b) whose policy of insurance or bond, when required under this chapter, has been canceled or terminated, or (c) who has neglected to furnish other proof upon request of the Department of Motor Vehicles shall immediately return his license and registration to the department. If any person fails to return to the department his license or registration as provided in this section, the department may secure possession by a commissioned highway patrolman.

Any person wilfully failing to return his license or registration as required in this section must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days and, upon conviction if a second offense, be fined two hundred dollars or imprisoned for not more than thirty days, or both, and for a third and subsequent offenses must be imprisoned for not ~~less than forty‑five days nor~~ more than six months.

Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section.”

SECTION 247. Section 56‑10‑240(D) of the 1976 Code is amended to read:

“(D) A person wilfully failing to return his motor vehicle license plates and registration certificates as required in this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days;

(2) for a second offense fined two hundred dollars or imprisoned for not more than thirty days, or both;

(3) for a third and subsequent offense imprisoned for not ~~less than forty‑ five days nor~~ more than six months.”

SECTION 248. Section 56‑10‑250 of the 1976 Code is amended to read:

“Section 56‑10‑250. It is unlawful for any vehicle owner to sell or otherwise dispose of any motor vehicle, for which the registration and license plates have been suspended, to any member of his family residing in the same household. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days and, upon conviction of a second offense, be fined two hundred dollars or imprisoned for not more than thirty days, or both, and for a third and subsequent offenses must be imprisoned for not ~~less than forty‑five days nor~~ more than six months. Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section.”

SECTION 249. Section 56‑10‑260(A) of the 1976 Code is amended to read:

“(A) Any person who knowingly makes a false certificate as to whether a motor vehicle is an insured motor vehicle or presents to the Department of Motor Vehicles false evidence that any motor vehicle sought to be registered is insured is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days and, upon conviction of a second offense, be fined two hundred dollars or imprisoned for not more than thirty days, or both, and for a third or subsequent offense must be imprisoned for not ~~less than forty‑five days nor~~ more than six months. Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section. The department shall deny, for a period of six months, registration of any motor vehicle for which a false certificate or false evidence is presented that the vehicle is insured and shall revoke, and may not thereafter reissue for a period of six months, the driver’s license of any person making a false certificate or offering false evidence, and then only when all other provisions of law have been complied with by that person.”

SECTION 250. Section 56‑10‑520 of the 1976 Code is amended to read:

“Section 56‑10‑520. A person who owns an uninsured motor vehicle:

(1) licensed in the State; or

(2) subject to registration in the State;

who operates or permits the operation of that motor vehicle without first having paid to the director the uninsured motor vehicle fee required by Section 56‑10‑510, to be disposed of as provided by Section 56‑10‑550, is guilty of a misdemeanor.

A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must: for a first offense be fined no less than one hundred dollars and not more than two hundred dollars or imprisoned for not more than thirty days; for a second offense be fined two hundred dollars or imprisoned for not more than thirty days, or both; or for a third or subsequent offense must be imprisoned for not ~~less than forty‑five days nor~~ more than six months. Only convictions which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56‑10‑510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56‑10‑510 as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56‑10‑260.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56‑9‑330. The director shall suspend the driver’s license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the director shall not thereafter reissue the driver’s license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56‑10‑510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section 56‑1‑465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver’s license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person. The director shall suspend the driver’s license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver’s license until thirty days from the date of the order of suspension.”

SECTION 251. Section 57‑7‑20 of the 1976 Code is amended to read:

“Section 57‑7‑20. (A) No person may place, throw, or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance or object likely to injure any person, animal, or vehicle upon the highway. Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall remove it immediately or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle. A violation of any of the provisions of this section is punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

(B) If any person knowingly, with malicious intent, violates subsection (A), he must be punished by a fine of not less than two hundred nor more than one thousand dollars or imprisoned for not ~~less than ten nor~~ more than sixty days.

(C) If any person knowingly, with malicious intent, violates the provisions of subsection (B) and causes personal injury, upon conviction, he must be punished by a fine of not less than five hundred nor more than two thousand dollars or imprisoned for not ~~less than one nor~~ more than three years, or both.

(D) If any person knowingly, with malicious intent, violates the provisions of subsection (C) and a death results, upon conviction, he must be punished as provided in Section 16‑3‑20.”

SECTION 252. Section 57‑13‑110 of the 1976 Code is amended to read:

“Section 57‑13‑110. Whoever shall wantonly or wilfully injure or destroy any bridge built by authority of the commissioners of any two counties over any river or creek lying between such counties, on indictment and conviction of so doing at the court of general sessions in the county in which the offense was committed, shall be subject to such fine and imprisonment as the court shall direct. But nothing herein contained shall be construed to extend to any toll bridge established by law. Any person who shall wilfully or maliciously injure or destroy any bridge on any public road in this State shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars or be imprisoned not ~~less than thirty nor~~ more than ninety days, in the discretion of the court. Nothing herein contained shall affect the right of action for damages in a civil suit against the person so injuring or destroying any such bridge.”

SECTION 253. Section 57‑17‑110 of the 1976 Code is amended to read:

“Section 57‑17‑110. The governing body of a county shall not enter into any contract for the expenditure of more than four fifths of its apportionment before the first of the last quarter of the fiscal year, and any contract entered into in excess of such apportionment shall be void. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five dollars nor more than thirty dollars or by imprisonment for not ~~less than ten days nor~~ more than thirty days for each and every offense, either or both at the discretion of the court.”

SECTION 254. Section 58‑15‑840 of the 1976 Code is amended to read:

“Section 58‑15‑840. Any person who shall wilfully and maliciously or with intent to steal or to injure, take or remove the brasses, bearings, waste or packing from out any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon any railroad, whether the same be operated by steam or electricity, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the Penitentiary or labor on the chain gang for a period of not ~~less than six months nor~~ more than two years or fined not less than fifty dollars nor more than two hundred dollars.”

SECTION 255. Section 58‑17‑2760 of the 1976 Code is amended to read:

“Section 58‑17‑2760. Any person who shall wilfully violate, aid in violating or direct or order any one to violate any of the provisions of Sections 58‑17‑2710 to 58‑17‑2740 as to the transportation of through freight shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not ~~less than three months nor~~ more than twelve months, or both, in the discretion of the court.”

SECTION 256. Section 58‑17‑4090 of the 1976 Code is amended to read:

“Section 58‑17‑4090. If any person shall by himself or others place, or cause to be placed, on the track or other part of the passageway of any railroad on which steam engines, diesel engines or any other type engines or handcars are used any timber, stone or other obstruction, with intent to injure or impede the passage of any cars or means of conveyance, or shall in any manner obstruct any engine or car passing upon any railroad on which steam engines, diesel engines or any other type engines or handcars are used or endanger the safety of persons conveyed in or upon such railroads or assist therein, such person shall be guilty of a felony and, on being thereof convicted by due course of law, shall be punished by imprisonment in the Penitentiary for not ~~less than one nor~~ more than thirty years and fined in the discretion of the court, except when the death of some human being results from such impediment and in that case the offender shall be adjudged guilty of murder and shall suffer death.

Nothing in this section shall in any manner take away any right of action for damages for injuries to the person or property of any person or body corporate caused by any injury, obstruction or damage done to any railroad or its buildings, tracks or constructions.”

SECTION 257. Section 58‑23‑80(A) of the 1976 Code is amended to read:

“(A) Unless otherwise provided in this section, an officer, agent, or employee of a corporation and any other person who wilfully violates or fails to comply with or who procures, aids, or abets in the violation of any provision of Articles 1 through 12 of this chapter or who fails to obey, observe, or comply with any lawful order, decision, regulation, direction, demand, or requirement of the commission or the Office of Regulatory Staff or any part or provision thereof is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than one hundred dollars or imprisoned for not l~~ess than ten days nor~~ more than thirty days.”

SECTION 258. Section 58‑23‑920 of the 1976 Code is amended to read:

“Section 58‑23‑920. The owner or owners of all motor vehicles transporting goods of any kind for hire on the roads of this State are hereby required as a condition precedent for using the highways of this State to carry with some reputable insurance company liability insurance and property damage insurance in such sums as the Public Service Commission may determine. Any person or corporation violating the terms of this provision shall be fined in an amount of not less than one hundred dollars or not more than five hundred dollars for the first offense and an amount of not less than five hundred dollars or not more than two thousand dollars for each subsequent offense or shall suffer imprisonment of a term of ~~not less than thirty days or~~ not more than one year for the first offense and for not ~~less than six months or not~~ more than three years for each subsequent offense. This section is cumulative and does not repeal any other provisions of this Code relating to this subject.”

SECTION 259. Section 59‑5‑130 of the 1976 Code is amended to read:

“Section 59‑5‑130. It shall be unlawful for any member of the board to make any contract or to be pecuniarily interested in any contract or otherwise make a profit from any contract with the State Board of Education. Any member violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not ~~less than three months nor~~ more than twelve months, or both. He shall also forfeit the amount of such claim or of his interest in such claim. The violation of this section shall constitute sufficient cause for removal of the member from office.”

SECTION 260. Section 59‑19‑310 of the 1976 Code is amended to read:

“Section 59‑19‑310. If a trustee of any school district shall attempt to act or discharge the duties of such office after he has been removed or after his successor shall have qualified, he shall be guilty of a misdemeanor and, after conviction, be punished by a fine of not less than one hundred and one dollars or by imprisonment for not ~~less~~ more than thirty days, or both, at the discretion of the court.”

SECTION 261. Section 59‑25‑30 of the 1976 Code is amended to read:

“Section 59‑25‑30. It shall be unlawful for any trustee of any public school or any superintendent or other official thereof to require any teacher to board or live at any teacherage or specified place. Each individual teacher shall have the right to choose his or her boarding place, and for so doing his right to teach shall not be voided by the trustees of any school board or superintendent or other official. Any school trustee or superintendent who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty‑five dollars nor more than one hundred dollars or be imprisoned for not ~~less than ten days nor~~ more than thirty days, in the discretion of the court.”

SECTION 262. Section 59‑29‑560 of the 1976 Code is amended to read:

“Section 59‑29‑560. (A) Schools shall demonstrate to the Financial Literacy Office the accountability of funds distributed pursuant to this chapter.

(B) Disbursements may be made only on the written authorization of the individual designated by the school district and only for the purposes specified. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for not more than six months, or both.

(C) The offenses of misuse, misappropriation, and embezzlement of public funds, apply to this chapter.”

SECTION 263. Section 59‑31‑590 of the 1976 Code is amended to read:

“Section 59‑31‑590. It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State or any trustee of any such school or any other school officer to become an active or silent agent of any schoolbook publisher or be in anywise pecuniarily interested in the introduction of any schoolbook into any school in this State. Any person violating any of the provisions hereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not ~~less~~ more than thirty days, or both, at the discretion of the circuit judge.”

SECTION 264. Section 59‑67‑120 of the 1976 Code is amended to read:

“Section 59‑67‑120. It shall be unlawful for any person, other than authorized mechanics, to tamper with governors on school buses operated in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined the sum of one hundred dollars or be imprisoned for a term of not more than thirty days.”

SECTION 265. Section 59‑67‑210 of the 1976 Code is amended to read:

“Section 59‑67‑210. It shall be unlawful for any person operating a school bus to pass another school bus unless the lead bus is in a stopped position and the driver of the lead bus has signalled to the operator of the bus in the rear that it is safe to pass. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined the sum of one hundred dollars or be imprisoned for a term of not more than thirty days.”

SECTION 266. Section 59‑67‑280 of the 1976 Code is amended to read:

“Section 59‑67‑280. The doing of anything prohibited by this article or failing to do anything required by this article shall be a misdemeanor, punishable by a fine of not less than five dollars nor more than one hundred dollars or imprisonment in the county jail for not ~~less than five nor~~ more than thirty days.”

SECTION 267. Section 59‑69‑260 of the 1976 Code is amended to read:

“Section 59‑69‑260. It is unlawful for any county treasurer, county auditor, member of a county board of education, or school trustee to buy, discount, or share, directly or indirectly, or be in any way interested in any teacher’s pay certificate or other order on a school fund, except those as are payable to him for his own services. If any of the above officers violate the provisions of this section, he is guilty of a misdemeanor and upon conviction must be fined not less than one hundred dollars nor more than five hundred dollars to be used for school purposes in his county or must be imprisoned not ~~less than three months nor~~ more than twelve months, or both. He shall also forfeit the amount of the claim or of his interest in the claim.

The provisions of this section do not prohibit a county board of education member, a school trustee, or a business with which he is associated from providing services or selling products to the district of which he is a board member or trustee as long as all these transactions are in accordance with the provisions of Chapter 13, ~~of~~ Title 8.”

SECTION 268. Section 59‑111‑180 of the 1976 Code is amended to read:

“Section 59‑111‑180. Any applicant who wilfully misrepresents his eligibility for the free tuition provided for under this article, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not ~~less~~ more than six months.”

SECTION 269. Section 59‑116‑80 of the 1976 Code is amended to read:

“Section 59‑116‑80. (A) It is unlawful for a person to falsely represent himself to be a campus police officer, agent, or employee of a safety and security department of a college or university, or arrest, detain, search, or question in any manner the person or property of a person, nor may a person without the authority of the governing board of the institution wear its official uniform, insignia, badge, or identification of the department.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one thousand dollars or imprisoned for not ~~less than ten days nor~~ more than ninety days, or both.”

SECTION 270. Section 59‑150‑250 of the 1976 Code is amended to read:

“Section 59‑150‑250. (A) A person who knowingly sells a lottery game ticket or share to a person under eighteen years of age or permits a person under eighteen years of age to play a lottery game is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not ~~less than thirty days nor~~ more than sixty days, or both, in the discretion of the court. It is an affirmative defense to a charge of a violation of this section that the lottery retailer reasonably and in good faith relied upon representation of proof of age in making the sale.

(B) A person under eighteen years of age who knowingly purchases a lottery game ticket is guilty of a misdemeanor and, upon conviction, must perform twenty hours of community service or must be fined not less than twenty‑five dollars and not more than one hundred dollars.

(C) A person who is incarcerated who knowingly accepts a lottery prize is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not ~~less than two days nor~~ more than thirty days, or both.”

SECTION 271. Section 59‑152‑150(D) of the 1976 Code is amended to read:

“(D) Disbursements may be made only on the written authorization of the individual designated by the partnership board and only for the purposes specified. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for not more than six months, or both.”

SECTION 272. Section 61‑2‑240 of the 1976 Code is amended to read:

“Section 61‑2‑240. Interference by any person with, obstruction or resistance of, or abusive language to any officer or person in the discharge of his duties under this title or the use of abusive language by the officer or person to another person is a misdemeanor. A person who violates this section must, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not ~~less than three months nor~~ more than one year.”

SECTION 273. Section 61‑2‑250 of the 1976 Code is amended to read:

“Section 61‑2‑250. In cases of conviction for the violation of a provision of this title when no punishment is provided, the person must be fined not less than one hundred dollars or imprisoned not ~~less~~ more than three months, in the discretion of the court.”

SECTION 274. Section 61‑4‑20 of the 1976 Code is amended to read:

“Section 61‑4‑20. It is unlawful for a person to sell or permit to be sold beer, ale, porter, wine, malt, or other beverage authorized to be sold under this chapter on which the tax levied has not been paid. A person having charge of the sale of one of these beverages who sells or permits it to be sold in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction, for each offense must be fined not less than twenty‑five dollars nor more than one hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days, in the discretion of the court.”

SECTION 275. Section 61‑4‑160 of the 1976 Code is amended to read:

“Section 61‑4‑160. No person who holds a biennial permit to sell beer or wine for on‑premises consumption may advertise, sell, or dispense these beverages for free, at a price less than one‑half of the price regularly charged, or on a two or more for the price of one basis. Beer or wine may be sold at a price less than the price regularly charged from four o’clock p.m. until eight o’clock p.m. only. The prohibition against dispensing the beverages for free does not apply to dispensing to a customer on an individual basis, to a fraternal organization in the course of its fund‑raising activities, to a person attending a private function on premises for which a biennial permit has been issued, or to a customer attending a function sponsored by the person who holds a biennial permit. However, no more than two functions may be sponsored each year, and must be authorized by the department. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars or imprisoned not ~~less~~ more than three months, in the discretion of the court.

A person found guilty of a violation of Section 61‑6‑4550 and this section may not be sentenced under both sections for the same offense.”

SECTION 276. Section 61‑4‑560 of the 1976 Code is amended to read:

“Section 61‑4‑560. A person who operates a retail or wholesale business without obtaining a permit required in this article is guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than ten dollars nor more than one hundred dollars or imprisonment of not ~~less than ten days nor~~ more than thirty days, in the discretion of the court. Each day that a wholesale or retail business is carried on without a permit constitutes a separate offense.”

SECTION 277. Section 61‑4‑600 of the 1976 Code is amended to read:

“Section 61‑4‑600. Upon the revocation, cancellation, or suspension of a license or permit to sell beer or wine at wholesale or retail, the licensee must immediately surrender his license to the department. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty dollars nor more than one hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days, or both, in the discretion of the court.”

SECTION 278. Section 61‑4‑610 of the 1976 Code is amended to read:

“Section 61‑4‑610. It is unlawful for a licensee to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after the license has been revoked or canceled, or during the period of a suspension of the license. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty dollars nor more than one hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days, or both, in the discretion of the court.”

SECTION 279. Section 61‑4‑780 of the 1976 Code is amended to read:

“Section 61‑4‑780. A person who violates any provision of this article or any rule or regulation promulgated by the department or the division under this article, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not ~~less than thirty days nor~~ more than six months, or both, in the discretion of the court. In addition to the punishment specified in this section, the person must forfeit his permit to sell wine and is not, for a period of two years thereafter, authorized to engage in a business taxable under the provisions of this chapter.”

SECTION 280. Section 61‑4‑910 of the 1976 Code is amended to read:

“Section 61‑4‑910. A person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment of not ~~less than ten days nor~~ more than thirty days, in the discretion of the court. In addition to the punishment specified in this section, the department may revoke or suspend a retail permit for a violation of this article.”

SECTION 281. Section 61‑6‑4010 of the 1976 Code is amended to read:

“Section 61‑6‑4010. (A) It is unlawful for a person to:

(1) manufacture, store, keep, receive, have in possession, transport, ship, buy, sell, barter, exchange, or deliver alcoholic liquors, except liquors acquired in a lawful manner and except in accordance with the provisions of this title; or

(2) accept, receive, or have in possession alcoholic liquors for unlawful use pursuant to the provisions of this title.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(2) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(3) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 282. Section 61‑6‑4025 of the 1976 Code is amended to read:

“Section 61‑6‑4025. It is unlawful for a person to keep, store, have in possession, carry, ship, or transport in a vehicle, vessel, aircraft or other chattel, any unlawfully acquired or manufactured alcoholic liquors.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 283. Section 61‑6‑4030 of the 1976 Code is amended to read:

“Section 61‑6‑4030. It is unlawful for a person to transport alcoholic liquors in a motor vehicle used as a taxi or used in the transportation of passengers for hire; however, this prohibition does not apply to lawful alcoholic liquors belonging to a passenger being transported when the alcoholic liquors are in the baggage of the passenger or upon his or her person. If alcoholic liquors are found in the vehicle, the vehicle must be seized and forfeited as provided for in Sections 61‑6‑4350 to 61‑6‑4460, and the alcoholic liquors must be seized as contraband and sold as provided in Section 61‑6‑4310.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 284. Section 61‑6‑4040 of the 1976 Code is amended to read:

“Section 61‑6‑4040. A person who acts as an advance or rear guard or pilot to a person engaged in the transportation of alcoholic liquors in violation of any law of this State is guilty of the offense of knowingly transporting alcoholic liquors for unlawful purposes and, upon conviction, must be punished for this misdemeanor as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.

The buggy, wagon, automobile, aircraft, railroad car, bicycle, motorcycle, or other vehicle or boat, launch, or other vessel used by the person in rendering the aid may be confiscated in the same method and manner as provided by this article for the confiscation of a vehicle actually used in the carrying of these alcoholic liquors.”

SECTION 285. Section 61‑6‑4050 of the 1976 Code is amended to read:

“Section 61‑6‑4050. It is unlawful for a person to purchase or otherwise procure alcoholic liquors other than those purchased from licensed retail dealers in the State or those purchased pursuant to a special food manufacturer’s license in Section 61‑6‑710. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of one hundred dollars or imprisonment for not more than thirty days;

(b) for a second offense, by a fine of two hundred dollars or imprisonment for not more than sixty days; and

(c) for a third or subsequent offense, by a fine of three hundred dollars or imprisonment for not more than ninety days.”

SECTION 286. Section 61‑6‑4060 of the 1976 Code is amended to read:

“Section 61‑6‑4060. (A) It is unlawful for a person to store or have in possession alcoholic liquors in his place of business other than a licensed liquor store. A place of business includes:

(1) a place where goods, wares, or merchandise are sold, offered for sale, or distributed, and also places of amusement;

(2) residences and transportation vehicles when sale of merchandise is made therefrom; and

(3) outbuildings, warehouses, and garages when adjacent to or used in connection with a place of business where goods, wares, or merchandise are sold, offered for sale, or distributed.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of two hundred dollars or imprisonment for not more than sixty days;

(2) for a second offense, by a fine of one thousand dollars or imprisonment for not more than one year; and

(3) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for not more than two years.”

SECTION 287. Section 61‑6‑4100 of the 1976 Code is amended to read:

“Section 61‑6‑4100. It is unlawful for a person in this State to manufacture, sell, give, or have in his possession a distillery, commonly called a still, or any integral part of a distillery, or an apparatus, appliance, device, or substitute therefor to be used for the purpose of manufacturing alcoholic liquors, in violation of the laws of this State.

The unexplained possession of any part of a still, apparatus or appliance, or any device or substitute therefor, commonly or generally used for or that is suitable to be used in the manufacture of prohibited alcoholic liquors is prima facie evidence of the violation of this section.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 288. Section 61‑6‑4110 of the 1976 Code is amended to read:

“Section 61‑6‑4110. It is unlawful for a person to knowingly permit or allow another person to have or possess or locate on his premises an apparatus for the distilling or manufacture of alcoholic liquors in violation of the laws of this State.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 289. Section 61‑6‑4120 of the 1976 Code is amended to read:

“Section 61‑6‑4120. It is unlawful to make, manufacture, transport, possess, or knowingly permit upon one’s premises mash, wort, wash, buck, or other similar material or compound suitable for or commonly used in the manufacture of alcoholic liquors with the intent that the material or compound be used in the manufacture of alcoholic liquors in violation of the laws of this State; the making, manufacture, transportation, possession, or knowingly permitting upon one’s premises such material or compound is considered to be a part of the process of the manufacture of alcoholic liquors; and a person found in possession of the material or compound or found at a place where the material or compound is stored, kept, made, manufactured, or found is prima facie guilty of a violation of this section.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 290. Section 61‑6‑4130 of the 1976 Code is amended to read:

“Section 61‑6‑4130. A person found at a distillery or other place where alcoholic liquors are being manufactured in violation of the laws of this State is considered prima facie guilty of manufacturing alcoholic liquors or aiding and abetting in their manufacture and, upon conviction, must be punished as if the person personally manufactured the alcoholic liquors.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 291. Section 61‑6‑4140 of the 1976 Code is amended to read:

“Section 61‑6‑4140. It is unlawful for a person under the age of twenty‑one years to work as an employee or otherwise in a retail, wholesale, or manufacturing liquor business or business establishment or for a person knowingly to employ another person under the age of twenty‑one years in one of these businesses or business establishments. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of one hundred dollars or imprisonment for not more than thirty days;

(b) for a second offense, by a fine of two hundred dollars or imprisonment for not more than sixty days; and

(c) for a third or subsequent offense, by a fine of three hundred dollars or imprisonment for not more than ninety days.”

SECTION 292. Section 61‑6‑4150 of the 1976 Code is amended to read:

“Section 61‑6‑4150. Except as authorized by law, it is unlawful for a person to sell alcoholic liquors from any vehicle, vessel, or aircraft.

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not less than six hundred dollars or imprisonment for not more than six months;

(b) for a second offense, by a fine of one thousand five hundred dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of three thousand dollars or imprisonment for not more than two years.”

SECTION 293. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, on Christmas Day, or during periods proclaimed by the Governor in the interest of law and order or public morals and decorum. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for not more than sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for not more than one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for not more than two years.”

SECTION 294. Section 61‑6‑4170 of the 1976 Code is amended to read:

“Section 61‑6‑4170. (A) It is unlawful for a person to advertise alcoholic liquors by means of billboards along public highways and streets by using any subject matter, language, or slogan addressed to and intended to encourage persons under twenty‑one years of age to purchase or drink alcoholic liquors.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of two hundred dollars or imprisonment for not more than sixty days;

(2) for a second offense, by a fine of one thousand dollars or imprisonment for not more than one year; and

(3) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for not more than two years.”

SECTION 295. Section 61‑6‑4180 of the 1976 Code is amended to read:

“Section 61‑6‑4180. If a person unlawfully manufactures, transports, or sells alcoholic liquors or aids or assists in any manner in one or more of these acts and at the time of the unlawful manufacturing, transporting, selling, aiding, or assisting has on or about his person or has on or in a vehicle which he uses to aid him in any such purpose or in his actual or constructive possession a firearm or weapon of like kind, he is guilty of a misdemeanor and, upon conviction, must be imprisoned not ~~less than one year nor~~ more than three years, or be fined not less than five hundred dollars nor more than fifteen hundred dollars.”

SECTION 296. Section 61‑6‑4200 of the 1976 Code is amended to read:

“Section 61‑6‑4200. A person who dispossesses, rescues, or attempts to dispossess or rescue from a constable or other officer alcoholic liquors taken or detained by the officer charged with the enforcement of the ABC Act must, upon conviction, be imprisoned for not ~~less than three months nor~~ more than one year or fined not less than five hundred dollars nor more than fifteen hundred dollars, or both.”

SECTION 297. Section 61‑6‑4550 of the 1976 Code is amended to read:

“Section 61‑6‑4550. No person who holds a biennial license to sell alcoholic liquors for on‑premises consumption may advertise, sell, or dispense these beverages for free, at a price less than one‑half of the price regularly charged, or on a two or more for the price of one basis. Alcoholic liquors may be sold at a price less than the price regularly charged from four o’clock p.m. until eight o’clock p.m. only. The prohibition against dispensing the beverages for free does not apply to dispensing to a customer on an individual basis, to a fraternal organization in the course of its fund‑raising activities, to a person attending a private function on premises for which a biennial license has been issued, or to a customer attending a function sponsored by the person who holds a biennial license. However, no more than two functions may be sponsored each year, and must be authorized by the department. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars or imprisoned not ~~less~~ more than three months, in the discretion of the court.”

SECTION 298. Section 61‑6‑4700 of the 1976 Code is amended to read:

“Section 61‑6‑4700. It is unlawful for a person to drink alcoholic liquors on the premises of a retail, wholesale, or manufacturing alcoholic liquor business or business establishment. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of one hundred dollars or imprisonment for not more than thirty days;

(b) for a second offense, by a fine of two hundred dollars or imprisonment for not more than sixty days; and

(c) for a third or subsequent offense, by a fine of three hundred dollars or imprisonment for not more than ninety days.”

SECTION 299. Section 61‑8‑50 of the 1976 Code is amended to read:

“Section 61‑8‑50. A person who violates the terms of a restraining order granted in such proceedings must be punished for contempt by a fine of not less than two hundred dollars nor more than one thousand dollars and by imprisonment not ~~less than ninety days nor~~ more than one year. In contempt proceedings arising out of the violation of an injunction granted under the provisions of this chapter, the court or, in vacation, any judge thereof has power to try summarily and punish the party guilty as required by law. The affidavits upon which the attachment for contempt issues are prima facie evidence for the State. At the hearing upon the charge for contempt, evidence may be oral or in the form of affidavits, or both. The defendant shall not necessarily be discharged upon his denial of the fact stated in the moving papers. The clerk of court must, upon the application of either party, issue subpoenas for witnesses and, except as provided in this section, the practice in these contempt proceedings must conform as nearly as possible to the practice in the court of common pleas.”

SECTION 300. Section 63‑19‑1670(D) of the 1976 Code is amended to read:

“(D) An adult found violating this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not ~~less than one year nor~~ more than ten years, or both.”

SECTION 301. Section 63‑19‑2420 of the 1976 Code is amended to read:

“Section 63‑19‑2420. It is unlawful for a person under eighteen years of age to loiter in a billiard or pocket billiard room or to play billiards or pocket billiards in a billiard room unless accompanied by the person’s parent or guardian or with the written consent of the person’s parent or guardian. A person violating this section or Chapter 11 of Title 52 or any billiard room proprietor or manager who permits such a violation must be fined not less than ten nor more than one hundred dollars or be imprisoned not ~~less than two days nor~~ more than thirty days. In the event the keeper of a billiard room is of the opinion that a person desiring admission is under the age of eighteen years the keeper shall require the person to certify the person’s age in writing. It is a misdemeanor, punishable by a fine of not less than twenty‑five nor more than one hundred dollars, for a minor to make a false certificate of age or use a forged permit from the minor’s parent or guardian.”

PART IV

Drug Courts

SECTION 302. Chapter 22, Title 17 of the 1976 Code is amended by adding:

“Article 13

Drug Court Program

Section 17‑22‑1310. This article may be referred to and cited as the ‘Drug Court Program Act’.

Section 17‑22‑1320. (A) Each circuit solicitor shall establish a drug court program in his respective circuit for adults and juveniles who commit nonviolent offenses. Each circuit’s drug court program must have a presence in each county in the circuit.

(B) Each circuit solicitor may establish an Office of Drug Court Program Coordinator whose responsibility is to assist in the establishment and maintenance of the drug court program within the circuit.

(C) The circuit solicitors are specifically endowed with and retain all discretionary powers pursuant to the common law.

(D) A drug court program must incorporate the National Association of Drug Court Professionals’ key components, as appropriate, in order to develop best practices to be utilized by the program, and be under the direct supervision and control of the circuit solicitor; however, the circuit solicitor may contract for services with a county or municipality in the circuit and with appropriate service providers.

(E) The South Carolina Commission on Prosecution Coordination shall oversee administrative procedures for the drug court programs, including the maintenance and distribution of the designated drug court general fund pursuant to Section 17‑22‑1360.

Section 17‑22‑1330. (A) A person may be considered for a drug court program if he is charged with a nonviolent offense, and the court, without entering a judgment of guilt and with the consent of the accused, defers further proceedings and orders participation in the drug court program.

(B) A person may not be considered for a drug court program, if he:

(1) is currently charged with a violent crime as defined in Section 16‑1‑60, or a stalking offense pursuant to Article 17, Chapter 3, Title 16;

(2) has been released from incarceration in the previous five years for a violent crime, as defined in Section 16‑1‑60, or a harassment or stalking offense pursuant to Article 17, Chapter 3, Title 16; or

(3) is subject to a restraining order pursuant to the provisions of Article 17, Chapter 3, Title 16 or a valid order of protection pursuant to the provisions of Chapter 4, Title 20.

(C) Nothing in this section may be construed to confer upon a person a right to participate in a drug court program.

(D) A person who has previously participated in a drug court program, either successfully or unsuccessfully, may be considered for a drug court program at the discretion of the court.

Section 17‑22‑1340. (A) When a person who entered a drug court program successfully completes an adult drug court program and is subject to having the charge or charges dismissed, the circuit solicitor administering the program shall effect a noncriminal disposition, as defined in Section 17‑22‑20, of the nonviolent offense, and there must be no record maintained of the nonviolent offense except by the appropriate drug court program and the Commission on Prosecution Coordination.

(B) If applicable, the person may apply to the court for an order to destroy all official records relating to his arrest pursuant to the provisions of Section 17‑1‑40.

(C) If a person violates the conditions of a drug court program or elects to leave the program, then the person may be recommended for judicial termination from the program and, if terminated, must have the offense reinstated by the circuit solicitor administering the program in the appropriate municipality or county.

Section 17‑22‑1350. (A) There is established the Office of Statewide Drug Court Coordinator whose responsibility is to assist the circuit solicitor in each judicial circuit in establishing and maintaining a drug court program, to assist in developing and implementing drug court standards, to assist in developing and conducting training programs for the drug court and related personnel in the solicitors’ offices, and to develop evaluation procedures to ensure timely and accurate collection of data regarding the effectiveness of the respective drug courts. The Office of Statewide Drug Court Coordinator must be within the South Carolina Commission on Prosecution Coordination. The coordinator and such staff as is necessary to assist in the implementation of the provisions of this article must be employed by the South Carolina Commission on Prosecution Coordination. The Office of Statewide Drug Court Coordinator must be funded by an appropriation to the Commission on Prosecution Coordination in the state general appropriations act.

(C) The Office of Statewide Drug Court Coordinator shall incorporate standards, training, and assessment on the National Association of Drug Court Professionals’ key components, as appropriate, in order to develop best practices to be utilized by the program.

Section 17‑22‑1360. A person ordered to participate in a drug court program shall pay a one hundred fifty dollar fee to enroll in a drug court program with the appropriate circuit solicitor’s office. At the circuit solicitor’s discretion, the enrollment fee may be paid in installments. The fee collected must be forwarded to the Commission on Prosecution Coordination for deposit into a designated drug court general fund for the administration of the drug court program as provided in this article. A person ordered to participate in a drug court program also may be subject to additional fees payable to the provider of services, including treatment, education, supervision, and any other services provided through the program. However, participation in a drug court program may not be denied due to a person’s inability to pay these fees. If a person is deemed unable to pay, the fees for enrollment, treatment, education, supervision, and other services may be waived or reduced.

Section 17‑22‑1370. (A) Each circuit solicitor’s office shall submit a drug court program annual report by the first day of August to the Commission on Prosecution Coordination, providing the total number of participants from original nonviolent offenses; the total number of participants that successfully completed the drug court program; the total amount of fees collected; and the total revenue remitted to the municipalities, counties, and the State for the prior fiscal year. The Commission on Prosecution Coordination may establish additional guidelines for the annual reports. The annual reports must be made available for public inspection.

(B) A copy of the annual report required in subsection (A) must be sent to the Sentencing Reform Oversight Committee for evaluation of the diversion programs and treatments being administered in the State by the circuit solicitors; the effectiveness of each program; and any need for additional programs, program modifications, or repeal of existing programs. In evaluating the programs and treatments, the Sentencing Reform Oversight Committee may request information on the evidence‑based practices used in each program or treatment to identify offender risks and needs, and the specific interventions employed in each program or treatment to identify criminal risk factors and reduce recidivism.

Section 17‑22‑1380. Each circuit solicitor’s office shall submit to the Commission on Prosecution Coordination the necessary identifying information, in compliance with federal law, on each participant for the creation and maintenance of a list of participants in drug court programs. This list is to be used by the commission for the sole purpose of complying with the provisions of Sections 17‑22‑1330(B)(4) and 17‑22‑1340(A). The information collected by the commission may be released only to a circuit solicitor’s office administering the program for the purpose of determining eligibility for a drug court program.

Section 17‑22‑1390. (A) The Chief Justice shall appoint all drug court judges who are subject to any limitations and directives that the Chief Justice places upon their service. Drug court judges serve at the pleasure of the Chief Justice. In order to be appointed as a drug court judge, a person must be a member in good standing of the South Carolina Bar, a probate judge, a summary court judge, or an active or retired member of the judiciary in this State who volunteers to preside over a drug court.

(B) An additional salary may not be accepted by an active member of the unified judicial system who volunteers to serve in this capacity; however, nonmembers of the unified judicial system may be compensated on a contractual basis. A uniform compensation range for the nonmembers of the unified judicial system must be set by the Commission on Prosecution Coordination in consultation with the Chief Justice.

(C) Drug court judges are entitled to the same protections from civil liability and immunities as judicial officers of the State.”

PART V

One Subject, Savings and Severability,

and Time Effective

SECTION 303. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections to the subject of sentencing reform as recommended by the Sentencing Reform Oversight Committee. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 304. 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 305. 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 306. This act takes effect upon approval by the Governor.

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