**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5152**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Robbins, T. Moore, Bailey, Brewer, Gatch and Mitchell

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Introduced in the House on February 27, 2024

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

Summary: Reduction of Sentences for Substantial Assistance

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/27/2024 House Introduced and read first time (House Journal‑page 29)

 2/27/2024 House Referred to Committee on **Judiciary** (House Journal‑page 29)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5152&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5152_20240227.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17‑25‑65, RELATING TO the REDUCTION OF a SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO REQUIRE NOTICE TO the arresting law enforcement agency and any VICTIMS, to require A HEARING WITH FINDINGS OF FACT IN A WRITTEN ORDER, to require VERiFICATION OF SUBSTANTIAL ASSISTANCE BY LAW ENFORCEMENT OR THE CORRECTIONAL FACILITY, AND to allow REDUCTION OF MANDATORY MINIMUM SENTENCES in the discretion of the judge.

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

SECTION 1. Section 17‑25‑65 of the S.C. Code is amended to read:

 Section 17‑25‑65. (A) Upon the state’s motion made within one year of sentencing, the court may reduce a sentence if the defendant, after sentencing, provided:

 (1) substantial assistance in investigating or prosecuting another person; or

 (2) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

 (B) Upon the state’s motion made more than one year after sentencing, the court may reduce a sentence if the defendant’s substantial assistance involved:

 (1) information not known to the defendant until one year or more after sentencing;

 (2) information provided by the defendant to the State within one year of sentencing, but which did not become useful to the State until more than one year after sentencing;

 (3) information, the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing, and which was promptly provided to the State after its usefulness was reasonably apparent to the defendant; or

 (4) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

 (C) A motion made pursuant to this provision shallsection must be filed by that circuit solicitor in the county where the defendant’s case arose. Before the motion may be filed, the appropriate law enforcement agency or warden of the correctional facility must verify to the circuit solicitor that the defendant provided substantial assistance to the State as set forth in subsections (A) and (B). Upon filing of such motion, the circuit solicitor shall notify the law enforcement agency responsible for the arrest of the defendant and any victims that a motion to reduce a defendant’s sentence pursuant to the provisions of this section has been filed along with the right to be heard, date, time, and location of all hearings on the motion. The State shall send a copy to the chief judge of the circuit within five days of filing. The chief judge or a circuit court judge currently assigned to that county shall have jurisdiction to hear and resolve the motion. Jurisdiction to resolve the motion is not limited to the original sentencing judge. The circuit judge assigned to hear the motion shall conduct a hearing on the record and:

 (1) verify the provisions of this section have been met and that a reasonable attempt was made by the State to notify any victims; and

 (2) make findings of fact supporting the relief requested and place those findings in a written order.

 (D) A defendant sentenced to a mandatory minimum sentence is eligible for a reduction in his sentence below the mandatory minimum in the discretion of the judge.

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

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