CHAPTER 23

Case Classification System and Community Corrections Plan

ARTICLE 1

Development of a Statewide Case Classification System and a Community Corrections Plan

**SECTION 24‑23‑10.** Plans to be developed for statewide case classification system and community‑based correctional programs.

 The Board shall develop a plan for the implementation of a statewide case classification system. The Board, the Department of Corrections, and the Governor’s Office shall jointly develop a specific plan for the statewide implementation of new community‑based correctional programs. The plan shall include descriptions of the new programs, the eligibility criteria for placing offenders on the programs, the administrative and legal requirements for implementation, the projected impact of the programs on the state inmate population and the financial requirements and timetable for the statewide implementation of the programs. These plans shall be submitted to the Legislature by January, 1982.

HISTORY: 1981 Act No. 100, Section 15.

**SECTION 24‑23‑20.** Case classification plan.

 The case classification plan must provide for case classification system consisting of the following:

 (1) supervisory control requirements which include, but are not limited to, restrictions on the probationer/parolee’s movement in the community, living arrangements, social associations, and reporting requirements;

 (2) rehabilitation needs of probationer/parolee including, but not limited to, employment, education, training, alcohol and drug treatment, counseling and guidance with regard to alcohol and drug abuse, psychological or emotional problems, or handicaps;

 (3) categorization of the offender as to the extent and type of staff time needed, possible assignment to specialized caseload or treatment programs, and specifics as to the degree of perceived risk posed by the probationer/parolee;

 (4) identification of strategies and resources to meet the identified needs, and specific objectives for the probationer/parolee to strive to meet such as obtaining employment, participating in a counseling program, and securing better living arrangements;

 (5) periodic and systematic review of cases to assess the adequacy of supervisory controls, participation in rehabilitation programs, and need for recategorization based upon the behavior and progress of the probationer/parolee; and

 (6) regular statewide monitoring and evaluation of the case classification by appropriate supervisory, classification, and program development and evaluation staff in the central administrative office.

HISTORY: 1981 Act No. 100, Section 15; 1995 Act No. 83, Section 50.

**SECTION 24‑23‑30.** Community corrections plan to include description of community‑based program needs.

 The community corrections plan must include, but is not limited to, describing the following community‑based program needs:

 (1) an intensive supervision program for probationers, and parolees, and supervised prisoners who require more than average supervision;

 (2) a supervised inmate furlough or community supervision program whereby inmates under the jurisdiction of the Department of Corrections can be administratively transferred to the supervision of state probation agents for the purposes of prerelease preparation, securing employment and living arrangements, or obtaining rehabilitation services;

 (3) a contract rehabilitation services program whereby private and public agencies, such as the Department of Vocational Rehabilitation, the Department of Mental Health, and the various county commissions on alcohol and drug abuse, provide diagnostic and rehabilitative services to offenders who are under the board’s jurisdiction;

 (4) community‑based residential programs whereby public and private agencies as well as the board establish and operate halfway houses for those offenders who cannot perform satisfactorily on probation, parole, or community supervision;

 (5) expanded use of presentence investigations and their role and potential for increasing the use of community‑based programs, restitution, and victim assistance; and

 (6) identification of programs for youthful and first offenders.

HISTORY: 1981 Act No. 100, Section 15; 1995 Act No. 83, Section 51.

**SECTION 24‑23‑40.** Development of statewide policies with state agencies; guidelines for monitoring of restitution orders and fines; research and special studies; training of employees.

 The community corrections plan shall provide for the department’s:

 (1) development, implementation, monitoring, and evaluation of statewide policies, procedures, and agreements with state agencies, such as the Department of Vocational Rehabilitation, the Department of Mental Health, and the Department of Alcohol and Other Drug Abuse Services, for purposes of coordination and referral of probationers, parolees, and community supervision releasees for rehabilitation services;

 (2) development of specific guidelines for the vigorous monitoring of restitution orders and fines to increase the efficiency of collection and development of a systematic reporting system so as to notify the judiciary of restitution and fine payment failures on a regular basis;

 (3) development of a program development and evaluation capability so that the department can monitor and evaluate the effectiveness of the above programs as well as to conduct research and special studies on such issues as probation, parole, and community supervision outcomes, revocations, and recidivism;

 (4) development of adequate training and staff development for its employees.

HISTORY: 1981 Act No. 100, Section 15; 1993 Act No. 181, Section 479; 1995 Act No. 83, Section 52.

ARTICLE 2

Sentencing and Probation Procedures

**SECTION 24‑23‑110.** Imposition of fine and restitution; department to implement policies to ensure payment and report failures to pay.

 Judges of the Court of General Sessions may suspend the imposition or the execution of a sentence and may impose a fine and a restitution without requiring probation. The department shall implement the necessary policies and procedures to ensure the payment of such fines and restitution and report to the court failures to pay.

HISTORY: 1981 Act No. 100, Section 15; 1993 Act No. 181, Section 480.

Library References

Fines 1.5.

Sentencing and Punishment 2180 to 2201.

Westlaw Topic Nos. 174, 350H.

C.J.S. Criminal Law Sections 1771 to 1786.

C.J.S. Fines Sections 1 to 2, 8, 10 to 12.

Attorney General’s Opinions

A circuit court judge could sentence a defendant to a term of probation and as a condition of such sentence, require the defendant to make a contribution to “Crime Stoppers” or to reimburse “Crime Stoppers” for funds expended by such organization in association with a defendant’s case. Further, while a municipal court judge would not be authorized to impose a sentence of a term of probation, a municipal court judge could suspend a sentence upon the payment of a contribution or reimbursement to “Crime Stoppers.” 1986 Op. Atty Gen, No. 86‑81, p. 253.

Circuit judge may impose monetary contributions to public defender fund instead of fine when sentencing defendants for violations of Sections 16‑23‑20 and 16‑23‑30. 1984 Op. Atty Gen, No. 84‑119, p. 272.

**SECTION 24‑23‑115.** Public service work as condition of probation or suspension of sentence; regulations.

 Except as otherwise provided by law, Courts of General Sessions may require defendants convicted of a criminal offense to perform public service work not to exceed five hundred hours without pay for an agency of state, county, municipal, or federal government or for a nonprofit organization as a special condition of probation or as a condition of suspension of sentence. Except as otherwise provided by law, magistrates and municipal courts may require defendants convicted of a criminal offense to perform public service work without pay for an agency of state, county, municipal, or federal government or for a nonprofit organization as a condition of suspension of sentence. This suspension of sentence shall include the number of hours of public service work to be performed not to exceed fifty hours.

 The Department of Probation, Parole and Pardon Services shall establish by regulation pursuant to the Administrative Procedures Act a definition of the term “public service work”, and a mechanism for supervision of persons performing public service work.

 No person shall be made ineligible for this program by reason of gender.

 For purposes of this section, “public service work” includes participating in a litter removal program on or along the roadways of this State or participating in another program for the removal, reduction, or prevention of littering, as provided for in Chapter 54, Title 48, unless a court of competent jurisdiction determines that participation in such a program is not appropriate for the offender.

HISTORY: 1986 Act No. 462, Section 11; 1988 Act No. 480, Section 17; 1993 Act No. 181, Section 481; 2015 Act No. 8 (H.3035), Section 3, eff April 2, 2015.

Effect of Amendment

2015 Act No. 8, Section 3, added the last paragraph, relating to Chapter 54, Title 48.

CROSS REFERENCES

Provisions of the Administrative Procedures Act, see Sections 1‑23‑310 et seq.

Regulation pertaining to public service work, see S.C. Code of Regulations R. 130‑20.

Library References

Sentencing and Punishment 1982.

Westlaw Topic No. 350H.

C.J.S. Criminal Law Sections 1554, 1556, 1560 to 1562.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Probation, Parole, and Pardon Section 9, Conditions of Probation.

Attorney General’s Opinions

Section 24‑23‑155 provides detailed authorization for the imposition by a magistrate of a sentence of public service work. Such sentence should not be imposed as to a defendant who committed an offense prior to the effective date of the Omnibus Crime Act, June 3, 1986. 1986 Op. Atty Gen, No. 86‑67, p 220.

**SECTION 24‑23‑120.** Presentence investigation.

 A Judge of the Court of General Sessions who has reason to believe a defendant suffers from a mental disorder, retardation, or substantial handicap, shall order a presentence investigation to be completed and submitted to the Court.

HISTORY: 1981 Act No. 100, Section 15.

Library References

Sentencing and Punishment 258.

Westlaw Topic No. 350H.

C.J.S. Criminal Law Sections 1486, 1496, 1506 to 1508, 1510, 1547.

NOTES OF DECISIONS

In general 1

1. In general

In a prosecution for housebreaking and grand larceny, the trial court properly denied defendant’s motion for a presentence investigation pursuant to Section 24‑23‑120, since a competency hearing report sufficiently appraised the court of the defendant’s mental ability, and since the court had the opportunity to observe the defendant’s mental capacity as he represented himself throughout the trial. State v. Moultrie (S.C. 1984) 283 S.C. 352, 322 S.E.2d 663. Sentencing And Punishment 276

**SECTION 24‑23‑130.** Termination of supervision.

 Upon the satisfactory fulfillment of the conditions of probation, the court, with the recommendation of the agent in charge of the responsible county probation office, may terminate the probationer or supervised prisoner from supervision.

HISTORY: 1981 Act No. 100, Section 15; 1991 Act No. 134, Section 25; 1995 Act No. 83, Section 53.

Library References

Sentencing and Punishment 1953.

Westlaw Topic No. 350H.

C.J.S. Criminal Law Section 1559.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Probation, Parole, and Pardon Section 10, Revocation, Modification, and Termination of Probation.

NOTES OF DECISIONS

In general 1

1. In general

Trial court did not lack subject matter jurisdiction to grant request for early termination of probation due to defendant’s due to lack of favorable recommendation by Department of Probation, Parole, and Pardon Services. Johnson v. South Carolina Dept. of Probation, Parole, and Pardon Services (S.C. 2007) 372 S.C. 279, 641 S.E.2d 895. Sentencing And Punishment 1953

The Court of Appeals did not have independent obligation on appeal from order granting defendant’s request for early termination of probation to rule on merits of claim by Department of Probation, Parole and Pardon Services that trial court lacked subject matter jurisdiction to grant early termination of probation due to lack of recommendation by Department. Johnson v. South Carolina Dept. of Probation, Parole, and Pardon Services (S.C. 2007) 372 S.C. 279, 641 S.E.2d 895. Criminal Law 1134.81

Failure by Department of Probation, Parole, and Pardon Services to include in record on appeal copy of order granting defendant’s motion for early termination of probation precluded appellate review of Department’s claim that trial court lacked subject matter jurisdiction to terminate probation due to lack of recommendation from Department. Johnson v. South Carolina Dept. of Probation, Parole, and Pardon Services (S.C. 2007) 372 S.C. 279, 641 S.E.2d 895. Criminal Law 1127

ARTICLE 3

Funding

**SECTION 24‑23‑230.** Effective date of assessments; use of funds collected.

 The assessments, collections and transfers specified in this article shall become effective on July 1, 1981.

HISTORY: 1981 Act No. 100, Section 15; 1982 Act No. 455, Section 6.