

Session 107 - (1987-1988)

S*0102 (Rat #0181, Act #0128 of 1987) General Bill, By J.V. Smith, I.E. Lourie, P.B. McLeod, E.J. Patterson, Setzler, N.W. Smith and N.A. Theodore

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 44-53-375 so as to provide that the possession of less than one gram of crack cocaine is a misdemeanor and provide penalties upon conviction, to provide that a second and subsequent conviction of this offense is a felony, to provide that the manufacture, distribution, dispensation, or the possession with intent to distribute or dispense crack cocaine is a felony and provide penalties upon conviction, to provide that the possession of one or more grams of crack cocaine is *prima facie* evidence of a violation of this felony, to provide that sentences for violation of the provisions of Section 44-53-375 may not be suspended and probation may not be granted except for a first offense; to amend Section 44-53-110, relating to definitions of narcotics and controlled substances, so as to define "crack cocaine"; to amend Section 44-53-440, relating to the felony of distributing a controlled substance classified in Section 44-53-190(b)(c) (Schedule 1) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Section 44-53-210(Schedule II) which is a narcotic drug to a person under the age of eighteen, so as to make it a separate offense for violations of this Section and include in it a violation of Section 44-53-375(B); to amend Section 44-53-445, relating to the crime of distributing, selling, or manufacturing, or unlawfully possessing with intent to distribute a controlled substance while within a radius of one-half mile of the grounds of an elementary, middle, or secondary school, so as to provide a separate penalty upon conviction when a violation of this Section involves crack cocaine; to add the felonies established by the provisions of Section 44-53-375 to the list of felonies in Section 16-1-10 with the exception of the conviction of the first offense possession of less than one gram of crack cocaine; and to repeal Section 44-53-510 relating to the requirement that all arrests for drug and narcotic violations be reported to the South Carolina Law Enforcement Division and the Commission on Alcohol and Drug Abuse.

10/13/86	Senate	Prefiled
10/13/86	Senate	Referred to Committee on Judiciary
01/13/87	Senate	Introduced and read first time SJ-73
01/13/87	Senate	Referred to Committee on Judiciary SJ-74
02/18/87	Senate	Committee report: Favorable Judiciary SJ-568
02/19/87	Senate	Read second time SJ-582
02/24/87	Senate	Read third time and sent to House SJ-633
02/25/87	House	Introduced and read first time HJ-713
02/25/87	House	Referred to Committee on Judiciary HJ-714
05/07/87	House	Committee report: Favorable with amendment Judiciary HJ-2547
05/19/87	House	Amended HJ-2903
05/19/87	House	Read second time HJ-2903
05/20/87	House	Read third time HJ-2986
05/20/87	House	Returned HJ-2986
05/21/87	Senate	Concurred in House amendment and enrolled SJ-2051
06/02/87		Ratified R 181
06/08/87		Signed By Governor
06/08/87		Effective date 06/08/87
06/08/87		Act No. 128
06/16/87		Copies available