

Session 124 - (2021-2022)

H 4086 General Bill, By J.E. Johnson

Similar (S 0659)

Summary: Sexually Violent Predator Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-48-115 SO AS TO GIVE RESIDENTS OF THE SOUTH CAROLINA SEXUALLY VIOLENT PREDATOR TREATMENT UNIT THE RIGHT TO CHALLENGE COMMITMENT AND SUBSEQUENT REVIEWS BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL AND TO ESTABLISH THE PROCESS FOR SUCH CHALLENGES; TO AMEND SECTIONS 44-48-30, 44-48-40, 44-48-50, 44-48-80, 44-48-90, 44-48-100, 44-48-110, 44-48-120, AND 44-48-150, ALL RELATING TO THE "SEXUALLY VIOLENT PREDATOR ACT", SO AS TO DEFINE "QUALIFIED EVALUATOR" AND "RESIDENT"; TO REQUIRE CERTAIN NOTIFICATIONS FOR SUPERVISED REENTRY ORDERS; TO REQUIRE THE MULTIDISCIPLINARY TEAM TO DETERMINE WHETHER PROBABLE CAUSE EXISTS THAT THE PERSON MEETS THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR; TO CHANGE THE TIMEFRAME WITHIN WHICH THE COURT-APPOINTED QUALIFIED EVALUATOR MUST COMPLETE AN EVALUATION; TO ALLOW THE ATTORNEY GENERAL OR PERSON TO REQUEST AN INDEPENDENT EVALUATION BY A QUALIFIED EVALUATOR IN CERTAIN CIRCUMSTANCES; TO REQUIRE THAT SEXUALLY VIOLENT PREDATOR CASES BE GIVEN PRIORITY HEARING SCHEDULING STATUS; TO REQUIRE THE OFFICE OF INDIGENT DEFENSE TO PROVIDE COUNSEL FOR INDIGENT PERSONS; TO PROVIDE FOR NONJURY HEARINGS FOR CERTAIN PERSONS FOUND INCOMPETENT TO STAND TRIAL FOR WHOM COMMITMENT IS SOUGHT; TO CHANGE REQUIREMENTS REGARDING PERIODIC EVALUATIONS OF COMMITTED RESIDENTS AND THE RIGHT OF THE RESIDENT TO BE PRESENT AT THE PERIODIC REVIEW HEARING; TO MAKE CERTAIN QUALIFIED EVALUATOR REPORTS ADMISSIBLE AS EVIDENCE; TO REQUIRE THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR TO BE A WITNESS FOR PETITIONS FOR RELEASE FILED WITH THE DEPARTMENT'S AUTHORIZATION; TO PROVIDE FOR THE RELEASE OF CERTAIN RECORDS TO THE ATTORNEY GENERAL AND TO THE PERSON'S COUNSEL OF RECORD; TO MAKE CONFORMING CHANGES; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 24-21-32, RELATING TO REENTRY SUPERVISION OF INMATES, SO AS TO MAKE CONFORMING CHANGES.

03/17/21 House Introduced and read first time (House Journal-page 12)

03/17/21 House Referred to Committee on Judiciary (House Journal-page 12)