

## Session 118 - (2009-2010)

**S\*0931 (Rat #0185, Act #0158 of 2010) General Bill, By L. Martin**

**Similar (H 4199)**

**Summary:** Sexually violent predator

AN ACT TO AMEND SECTION 44-48-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EFFECTIVE DATE OF PAROLE OR CONDITIONAL RELEASE OF SEXUALLY VIOLENT PREDATORS, SO AS TO PROVIDE THAT WRITTEN NOTICE OF THE RELEASE OF A SEXUALLY VIOLENT PREDATOR FROM PRISON MUST BE GIVEN TO THE MULTIDISCIPLINARY TEAM AT LEAST TWO HUNDRED SEVENTY DAYS RATHER THAN ONE HUNDRED DAYS BEFORE HIS RELEASE FROM TOTAL CONFINEMENT WITH CERTAIN EXCEPTIONS, OR CERTAIN ANTICIPATED HEARINGS, AND TO PROVIDE THAT THE PAROLE OR CONDITIONAL RELEASE ORDER DOES NOT TAKE EFFECT FOR ONE HUNDRED EIGHTY DAYS, RATHER THAN NINETY DAYS, AFTER ISSUANCE OF THE ORDER; TO AMEND SECTION 44-48-80, AS AMENDED, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD AFTER PROBABLE CAUSE IS FOUND TO EXIST THAT THE PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY PENDING CONCLUSION OF THE PROCEEDINGS IN THIS CHAPTER AND THAT THE COURT MUST DIRECT THE PERSON TO BE TRANSPORTED TO AN APPROPRIATE FACILITY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, AND TO PROVIDE THAT THE EXPERT THAT CONDUCTS THE EVALUATION OF A PERSON TO DETERMINE WHETHER HE IS A SEXUALLY VIOLENT PREDATOR MUST COMPLETE THE EVALUATION WITHIN SIXTY DAYS AFTER THE PROBABLE CAUSE HEARING UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST; TO AMEND SECTION 44-48-90, AS AMENDED, RELATING TO THE TIME WITHIN WHICH A JURY TRIAL MUST BE REQUESTED AND HELD TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE TRIAL MUST BE CONDUCTED WITHIN SIXTY DAYS OF THE HEARING HELD PURSUANT TO SECTION 44-48-80, TO PROVIDE THAT THE TRIAL MUST BE HELD WITHIN NINETY DAYS OF ISSUANCE OF THE COURT APPOINTED EVALUATOR'S OPINION, AND TO PROVIDE THAT UPON RECEIPT OF THE ISSUANCE OF THE OPINION, EITHER PARTY MAY RETAIN AN EXPERT TO CONDUCT A SUBSEQUENT EVALUATION; TO AMEND SECTION 44-48-100, AS AMENDED, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD UPON A MISTRIAL IN DETERMINING WHETHER THE PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY; AND TO AMEND SECTION 44-48-120, AS AMENDED, RELATING TO PROCEDURES REQUIRED WHEN THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH DETERMINES A PERSON COMMITTED TO THE DEPARTMENT AS A SEXUALLY VIOLENT PREDATOR IS NO LONGER LIKELY TO COMMIT ACTS OF SEXUAL VIOLENCE, SO AS TO REQUIRE THE DIRECTOR TO CERTIFY THIS DETERMINATION IN WRITING AND TO NOTIFY THE ATTORNEY GENERAL OF THIS CERTIFICATION AND OF THE PATIENT'S AUTHORIZATION TO PETITION THE COURT FOR RELEASE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY REQUEST AN EXAMINATION BEFORE A HEARING ON THE RELEASE IS HELD, AND TO PROVIDE THAT EITHER PARTY MAY REQUEST THAT THE HEARING BE HELD BEFORE A JURY, AND TO PROVIDE THAT IF THE ATTORNEY GENERAL'S QUALIFIED EXPERT CONCLUDES THAT THE PETITIONER, IF RELEASED MAY COMMIT ACTS OF SEXUAL VIOLENCE, THE PETITIONER MAY RETAIN A QUALIFIED EXPERT TO PERFORM A SUBSEQUENT EVALUATION. - ratified title

<b>12/09/09</b>	<b>Senate</b>	<b>Prefiled</b>
<b>12/09/09</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary</b>
<b>01/12/10</b>	<b>Senate</b>	<b>Introduced and read first time SJ-23</b>
<b>01/12/10</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-23</b>
<b>01/12/10</b>	<b>Senate</b>	<b>Referred to Subcommittee: L.Martin (ch), Malloy, Cleary, Coleman, Shoopman</b>
<b>03/03/10</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-10</b>
<b>03/04/10</b>	<b>Senate</b>	<b>Committee Amendment Amended and Adopted SJ-19</b>
<b>03/04/10</b>	<b>Senate</b>	<b>Read second time SJ-19</b>
<b>03/09/10</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-19</b>
<b>03/09/10</b>	<b>House</b>	<b>Introduced and read first time HJ-65</b>
<b>03/09/10</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-65</b>
<b>04/14/10</b>	<b>House</b>	<b>Committee report: Favorable Judiciary HJ-77</b>
<b>04/21/10</b>	<b>House</b>	<b>Read second time HJ-49</b>
<b>04/21/10</b>	<b>House</b>	<b>Roll call Yeas-111 Nays-0 HJ-49</b>
<b>04/22/10</b>	<b>House</b>	<b>Read third time and enrolled HJ-15</b>

05/06/10	Ratified R 185
05/12/10	Signed By Governor
05/21/10	Effective date See Act for Effective Date
05/25/10	Act No. 158