

## Session 115 - (2003-2004)

### S\*0935 (Rat #0394, Act #0263 of 2004) General Bill, By Hawkins

**Summary:** Pardons, provisions limiting the effects of pardons, and criminal history background reviews not being affected by pardons

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-7-2265 SO AS TO PROVIDE THAT, WHEN A PROVISION OF LAW OR REGULATION PROVIDES FOR A CRIMINAL HISTORY BACKGROUND CHECK IN CONNECTION WITH LICENSING, PLACEMENT, SERVICE AS A VOLUNTEER, OR EMPLOYMENT WITH A CHILD WELFARE AGENCY, THE PROVISION OF LAW OR REGULATION MAY NOT OPERATE TO PROHIBIT THESE ACTIONS WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; BY ADDING SECTION 24-21-35 SO AS TO PROVIDE THAT THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES BOARD SHALL MAKE ITS ADMINISTRATIVE RECOMMENDATIONS AVAILABLE TO A VICTIM OF A CRIME BEFORE IT CONDUCTS A PAROLE HEARING FOR THE PERPETRATOR OF THE CRIME; TO AMEND SECTION 20-7-1642, AS AMENDED, RELATING TO THE PROHIBITION OF FOSTER CARE PLACEMENT OF A CHILD WITH CERTAIN PERSONS, SO AS TO PROVIDE THAT THE PLACEMENT IS AUTHORIZED WHEN THE CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE OF CERTAIN CRIMES IS PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2725, AS AMENDED, RELATING TO THE PROHIBITION OF EMPLOYING CERTAIN PERSONS AT A CHILDCARE CENTER, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT EMPLOYMENT OR PROVISION CAREGIVER SERVICES WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE OF CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2730, AS AMENDED, RELATING TO LICENSING OF A CHILDCARE CENTER OR GROUP CHILDCARE HOME, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT LICENSING WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2740, AS AMENDED, RELATING TO THE RENEWAL OF LICENSING A CHILDCARE CENTER OR GROUP CHILDCARE CENTER, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT RENEWAL WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2800, AS AMENDED, RELATING TO THE APPLICATION FOR A STATEMENT OF STANDARD CONFORMITY OR APPROVAL FOR THE OPERATION OF A PUBLIC CHILDCARE CENTER OR GROUP CHILDCARE HOME, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT APPROVAL WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2810, AS AMENDED, RELATING TO THE RENEWAL OF THE APPROVAL FOR THE OPERATION OF A PUBLIC CHILDCARE CENTER OR GROUP CHILDCARE HOME, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT THE RENEWAL WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2850, AS AMENDED, RELATING TO THE REGISTRATION OF AN OPERATOR OF A FAMILY CHILDCARE HOME, SO AS TO PROVIDE THAT THIS SECTION DOES NOT OPERATE TO PROHIBIT REGISTRATION OR RENEWAL WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-2900, AS AMENDED, RELATING TO THE REGISTRATION AND INSPECTION OF A CHILDCARE CENTER OR GROUP CHILDCARE HOME OPERATED BY A CHURCH OR RELIGIOUS COLLEGE OR UNIVERSITY, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT LICENSING, REGISTRATION, OR RENEWAL OF A LICENSE OR REGISTRATION WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 20-7-3097, AS AMENDED, RELATING TO THE REQUIREMENT THAT, BEFORE THE DEPARTMENT OF SOCIAL SERVICES EMPLOYS A PERSON IN ITS CHILDCARE LICENSING OR CHILD PROTECTIVE SERVICES DIVISIONS, THE PERSON SHALL UNDERGO A STATE FINGERPRINT REVIEW TO BE CONDUCTED BY THE STATE LAW ENFORCEMENT DIVISION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT EMPLOYMENT WHEN A CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE FOR CERTAIN CRIMES HAS BEEN PARDONED AND TO PROVIDE ADDITIONAL CONDITIONS; TO AMEND SECTION 24-3-550, AS AMENDED, RELATING TO WITNESSES AT AN EXECUTION, SO AS TO AUTHORIZE A FORMER SOLICITOR TO BE PRESENT AT THE EXECUTION; TO AMEND SECTION 24-21-30, AS AMENDED, RELATING TO PAROLE BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD SHALL CONDUCT ALL PAROLE HEARINGS IN CASES THAT RELATE TO A SINGLE VICTIM ON THE SAME DAY AND TO PROVIDE THAT, UPON THE REQUEST OF A VICTIM, THE BOARD MAY ALLOW THE VICTIM AND AN OFFENDER TO APPEAR SIMULTANEOUSLY BEFORE THE BOARD FOR THE PURPOSE OF

PROVIDING TESTIMONY; TO AMEND SECTION 24-21-710, AS AMENDED, RELATING TO FILM, VIDEOTAPE, OR OTHER ELECTRONIC INFORMATION THAT MAY BE CONSIDERED BY THE PAROLE BOARD WHEN IT MAKES A PAROLE DETERMINATION, SO AS TO PROVIDE THAT THE BOARD SHALL MAINTAIN AND ALLOW CRIME VICTIMS TO APPEAR BEFORE THE BOARD DURING PAROLE HEARINGS VIA A TWO-WAY CLOSED CIRCUIT TELEVISION SYSTEM; TO AMEND SECTION 44-6-30, RELATING TO THE POWERS OF THE STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT TO ADMINISTER THE SOCIAL SERVICES BLOCK GRANT PROGRAM; AND BY ADDING SECTION 43-1-135 TO CHAPTER 1, TITLE 43 SO AS TO REQUIRE THE STATE DEPARTMENT OF SOCIAL SERVICES TO ADMINISTER THE SOCIAL SERVICES BLOCK GRANT PROGRAM. - ratified title

02/10/04 Senate Introduced and read first time SJ-6  
02/10/04 Senate Referred to Committee on Judiciary SJ-6  
04/14/04 Senate Committee report: Favorable with amendment Judiciary SJ-14  
04/15/04 Senate Amended SJ-17  
04/15/04 Senate Read second time SJ-17  
04/20/04 Senate Read third time and sent to House SJ-18  
04/21/04 House Introduced and read first time HJ-9  
04/21/04 House Referred to Committee on Judiciary HJ-10  
05/19/04 House Committee report: Favorable with amendment Judiciary HJ-345  
05/20/04 House Scrivener's error corrected  
05/25/04 House Amended HJ-77  
05/25/04 House Read second time HJ-85  
05/26/04 House Read third time and returned to Senate with amendments HJ-10  
06/02/04 Senate Concurred in House amendment and enrolled SJ-37  
06/03/04 Ratified R 394  
06/18/04 Signed By Governor  
06/24/04 Copies available  
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07/14/04 Act No. 263