

## Session 116 - (2005-2006)

**H\*3328 (Rat #0182, Act #0141 of 2005) General Bill, By Brady, Ceips, Cobb-Hunter, Funderburk, Haley, Haskins, Hinson, Lee, Martin, Miller, Moody-Lawrence, Neilson, Parks, Young and Clark**

**Similar (S 0734)**

**Summary:** Sex offender registry

AN ACT TO AMEND SECTION 23-3-410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF THE SEX OFFENDER REGISTRY BY THE STATE LAW ENFORCEMENT DIVISION (SLED), SO AS TO PROVIDE THAT SLED SHALL INCLUDE AND CROSS-REFERENCE ALIAS NAMES IN THE REGISTRY; TO AMEND SECTION 23-3-430, AS AMENDED, RELATING TO PERSONS WHO MUST BE REFERRED TO AS SEX OFFENDERS, SO AS TO PROVIDE THAT THE NAME OF A PERSON FOUND NOT GUILTY BY REASON OF INSANITY OF A SEX OFFENSE IN THIS OR ANOTHER COUNTRY OR FOUND GUILTY OF A SEX OFFENSE IN ANOTHER COUNTRY MUST REGISTER AS A SEX OFFENDER UNDER CERTAIN CIRCUMSTANCES, TO ADD ADDITIONAL OFFENSES TO THE LIST OF OFFENSES THAT CONSTITUTE SEX OFFENSES, TO PROVIDE THE CIRCUMSTANCES IN WHICH A PERSON WHO RECEIVES A PARDON FOR A SEX OFFENSE MAY HAVE HIS NAME REMOVED FROM THE SEX OFFENDER REGISTRY, AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A PERSON WHO FILES A PETITION FOR A WRIT OF HABEAS CORPUS OR A MOTION FOR A NEW TRIAL MAY HAVE HIS NAME REMOVED FROM THE SEX OFFENDER REGISTRY; TO AMEND SECTION 23-3-440, AS AMENDED, RELATING TO THE NOTIFICATION A SHERIFF MUST RECEIVE FROM CERTAIN CORRECTIONAL AGENCIES REGARDING THE RELEASE OF A SEX OFFENDER, SO AS TO PROVIDE THAT SLED AND NOT THE CORRECTIONAL AGENCIES MUST NOTIFY A SHERIFF WHEN A SEX OFFENDER INTENDS TO RESIDE IN A COUNTY UNDER HIS JURISDICTION, TO REVISE THE LIST OF AGENCIES THAT MUST NOTIFY AN OFFENDER THAT HE MUST REGISTER WITH THE COUNTY IN WHICH HE INTENDS TO RESIDE ONCE HE IS RELEASED, TO REVISE THE PERIOD OF TIME IN WHICH THE OFFENDER MUST BE NOTIFIED THAT HE MUST REGISTER AND TO PROVIDE THAT AN OFFENDER'S PHOTOGRAPH MUST BE PROVIDED TO SLED BEFORE HE IS RELEASED; TO AMEND SECTION 23-3-450, AS AMENDED, RELATING TO REQUIRING A SEX OFFENDER TO REGISTER WITH THE SHERIFF OF THE COUNTY IN WHICH HE RESIDES, SO AS TO PROVIDE THAT THE OFFENDER ALSO MUST REGISTER WITH THE SHERIFF OF EACH COUNTY WHERE HE OWNS REAL PROPERTY, OR ATTENDS SCHOOL, TO PROVIDE THAT THE SHERIFF IN THE COUNTY IN WHICH THE OFFENDER OWNS REAL PROPERTY, OR ATTENDS SCHOOL SHALL FORWARD ALL REQUIRED REGISTRATION INFORMATION TO SLED, AND TO PROVIDE THAT THE SHERIFF IN THE COUNTY IN WHICH AN OFFENDER RESIDES, OWNS REAL PROPERTY, OR ATTENDS SCHOOL SHALL NOTIFY ALL LOCAL LAW ENFORCEMENT AGENCIES OF AN OFFENDER WHO RESIDES , OWNS REAL PROPERTY, OR ATTENDS SCHOOL WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION; TO AMEND SECTION 23-3-460, AS AMENDED, RELATING TO REQUIRING A SEX OFFENDER TO REGISTER ANNUALLY FOR LIFE, SO AS TO PROVIDE THAT A REGISTERED SEX OFFENDER WHO OWNS OR ACQUIRES REAL PROPERTY WITHIN THIS STATE OR ATTENDS SCHOOL MUST REGISTER WITH THE SHERIFF IN EACH COUNTY IN WHICH HE OWNS REAL PROPERTY OR ATTENDS SCHOOL, TO PROVIDE THAT AN OFFENDER WHO IS EMPLOYED BY, ATTENDS, IS ENROLLED AT, OR CARRIES ON A VOCATION AT ANY SCHOOL MUST PROVIDE NOTICE OF EACH CHANGE IN ATTENDANCE, EMPLOYMENT, OR VOCATION STATUS AT A SCHOOL IN THIS STATE, TO REVISE THE DEFINITION OF THE TERM "STUDENT", TO REVISE THE PROCEDURES THAT PERSONS WHO MOVE INTO THIS STATE MUST FOLLOW TO REGISTER AS SEX OFFENDERS, TO REQUIRE A SHERIFF WHO RECEIVES INFORMATION ABOUT A SEX OFFENDER'S CHANGE OF ADDRESS, SCHOOL ATTENDANCE, EMPLOYMENT, OR VOCATIONAL STATUS, TO NOTIFY ALL LOCAL LAW ENFORCEMENT AGENCIES OF AN OFFENDER WHOSE ADDRESS, REAL PROPERTY, OR SCHOOL IS IN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION; TO AMEND SECTION 23-3-470, AS AMENDED, RELATING TO A SEX OFFENDER'S FAILURE TO REGISTER, SO AS TO PROVIDE THAT A SEX OFFENDER MUST PROVIDE A SHERIFF NOTIFICATION OF A CHANGE OF ADDRESS, CHANGE IN ATTENDANCE, ENROLLMENT, OR VOCATIONAL STATUS AT ANY SCHOOL, AND TO PROVIDE THAT THE PENALTIES CONTAINED IN THIS SECTION MUST BE IMPOSED ON A PERSON WHO FAILS TO PROVIDE THIS NOTIFICATION; TO ADD SECTION 23-3-525 SO AS TO PROVIDE THAT A REAL ESTATE BROKERAGE AND ITS AFFILIATED LICENSEES ARE IMMUNE FROM LIABILITY FOR ANY ACT OR OMISSION RELATED TO THE DISCLOSURE OF INFORMATION CONTAINED IN THE SEX OFFENDER REGISTRY IF THE BROKERAGE OR ITS AFFILIATED LICENSEES PROVIDES TO ITS CLIENTS AND CUSTOMERS NOTICE THAT MAY OBTAIN INFORMATION ABOUT THE SEX OFFENDER REGISTRY AND PERSONS REGISTERED WITH THE REGISTRY FROM THE COUNTY SHERIFF; TO ADD SECTION 23-3-540 SO AS TO PROVIDE FOR THE ACTIVE ELECTRONIC MONITORING OF CERTAIN OFFENDERS, AND A PENALTY FOR TAMPERING WITH, REMOVING, OR DAMAGING THE ELECTRONIC MONITORING DEVICE; TO ADD SECTION 23-3-550 SO AS TO PROVIDE

THAT A PERSON WHO PROTECTS, HARBORS, OR CONCEALS AN OFFENDER WHO THE PERSON KNOWS IS NOT IN COMPLIANCE WITH THE PROVISIONS RELATING TO THE SEX OFFENDER REGISTRY IS GUILTY OF A FELONY; AND TO AMEND SECTION 40-57-180, AS AMENDED, RELATING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION'S AUTHORITY TO REGULATE OWNERS OF REAL ESTATE AND LICENSED REAL ESTATE AGENTS, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT A CAUSE OF ACTION MAY NOT ARISE AGAINST AN OWNER OF REAL ESTATE OR A LICENSED REAL ESTATE AGENT OF ANY PARTY TO A TRANSACTION FOR FAILURE TO DISCLOSE IN A TRANSACTION THE LOCATION OF ANY REGISTERED SEX OFFENDER. - ratified title

<b>01/19/05</b>	<b>House</b>	<b>Introduced and read first time HJ-14</b>
<b>01/19/05</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-15</b>
<b>04/27/05</b>	<b>House</b>	<b>Recalled from Committee on Judiciary HJ-139</b>
<b>04/28/05</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Clark</b>
<b>04/28/05</b>	<b>House</b>	<b>Amended HJ-56</b>
<b>04/28/05</b>	<b>House</b>	<b>Read second time HJ-64</b>
<b>04/28/05</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day HJ-64</b>
<b>04/29/05</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-2</b>
<b>04/29/05</b>		<b>Scrivener's error corrected</b>
<b>05/03/05</b>	<b>Senate</b>	<b>Introduced and read first time</b>
<b>05/03/05</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary</b>
<b>05/18/05</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-19</b>
<b>05/19/05</b>	<b>Senate</b>	<b>Amended SJ-68</b>
<b>05/19/05</b>	<b>Senate</b>	<b>Read second time SJ-68</b>
<b>05/19/05</b>		<b>Scrivener's error corrected</b>
<b>05/24/05</b>		<b>Scrivener's error corrected</b>
<b>05/25/05</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments SJ-55</b>
<b>05/26/05</b>	<b>House</b>	<b>Non-concurrence in Senate amendment HJ-60</b>
<b>05/26/05</b>	<b>Senate</b>	<b>Senate insists upon amendment and conference committee appointed Martin, Hutto, and Campsen SJ-293</b>
<b>05/31/05</b>	<b>House</b>	<b>Conference committee appointed Reps. Brady, Rutherford, and GM Smith HJ-64</b>
<b>05/31/05</b>	<b>Senate</b>	<b>Free conference powers granted SJ-22</b>
<b>05/31/05</b>	<b>Senate</b>	<b>Free conference committee appointed Martin, Hutto, and Campsen SJ-22</b>
<b>06/01/05</b>	<b>House</b>	<b>Free conference powers granted HJ-87</b>
<b>06/01/05</b>	<b>House</b>	<b>Free conference committee appointed Reps. GM Smith, Rutherford, and Brady HJ-90</b>
<b>06/01/05</b>	<b>House</b>	<b>Free conference report received and adopted HJ-90</b>
<b>06/01/05</b>	<b>Senate</b>	<b>Free conference report received and adopted SJ-51</b>
<b>06/01/05</b>	<b>House</b>	<b>Ordered enrolled for ratification HJ-103</b>
<b>06/02/05</b>		<b>Ratified R 182</b>
<b>06/07/05</b>		<b>Signed By Governor</b>
<b>06/13/05</b>		<b>Copies available</b>
<b>06/13/05</b>		<b>Effective date See Act for Effective Date</b>
<b>06/16/05</b>		<b>Act No. 141</b>