~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

May 14, 2009

**H. 3976**

Introduced by Rep. G.M. Smith

S. Printed 5/14/09--H. [SEC 5/15/09 1:06 PM]

Read the first time April 29, 2009.

**A** **BILL**

TO AMEND SECTIONS 24‑13‑1530 AND 24‑13‑1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO ELIGIBILITY FOR OFFENDERS TO BE PLACED ON HOME DETENTION, SO AS TO ALLOW CERTAIN DRUG AND CONTROLLED SUBSTANCE OFFENDERS TO PARTICIPATE IN THE HOME DETENTION PROGRAM UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 24‑13‑1530 of the 1976 Code is amended to read:

“Section 24‑13‑1530. (A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for:

(1) low risk, nonviolent adult and juvenile offenders; and

(2) adult and juvenile offenders who have committed drug or controlled substance offenses which are not punishable by a mandatory minimum sentence of twenty‑five years or more.

(B) ~~as~~ These offenders may be selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

(1) pretrial or preadjudicatory detention;

(2) probation (intensive supervision);

(3) community corrections (diversion);

(4) parole (early release);

(5) work release;

(6) institutional furlough;

(7) jail diversion; or

(8) shock incarceration.

~~(B)~~(C) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24‑9‑20 and enforced pursuant to Section 24‑9‑30.”

SECTION 2. Section 24-13-1590 of the 1976 Code is amended to read:

“Section 24-13-1590. Nothing in this article:

(1) applies to a person, regardless of age, who violates, or is awaiting trial on charges of violating, the illicit narcotic drugs and controlled substances laws of this State which are ~~classified as Class A, B, or C felonies or which are classified as an exempt offense by Section 16‑1‑10(D) and provide for~~ punishable by a ~~maximum term of imprisonment~~ mandatory minimum sentence of ~~twenty~~ twenty-five years or more; or

(2) diminishes the lawful authority of the courts of this State, the Department of Juvenile Justice, or the Department of Probation, Parole and Pardon Services to regulate or impose conditions for probation, parole, or community supervision.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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