**A** **BILL**

TO AMEND CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PROBATION, PAROLE AND PARDON, BY ADDING ARTICLE 14 TO PROVIDE FOR THE LICENSING OF ELECTRONIC MONITORING VENDORS, AND TO PROVIDE THE DEPARTMENT IS AUTHORIZED TO PROMULGATE REGULATIONS TO IMPLEMENT AND REGULATE THE PROVISIONS OF THIS ARTICLE, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE DEPARTMENT TO DEVELOP GUIDELINES AND CRITERIA FOR THE USE OF ELECTRONIC MONITORING, DATA STORAGE, AND THE CONTRACTING OF VENDORS, AND TO PROVIDE THE DEPARTMENT SHALL COLLECT AN APPLICATION FEE FOR THE LICENSING AND REGISTERING OF ELECTRONIC MONITORING VENDORS AND AN ANNUAL RENEWAL FEE, AND TO PROVIDE THE DEPARTMENT MAY IMPOSE A FINE OF FIVE HUNDRED DOLLARS FOR EACH VIOLATION ON VENDORS, AND TO PROVIDE NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ABROGATE OR IMPAIR THE POWERS OF ANY BOND COURT OR GRANT THE DEPARTMENT AUTHORITY OVER A BAIL BONDING COMPANY AND THEIR POWER TO SET CONDITIONS OF PRETRIAL RELEASE.

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

SECTION 1. Chapter 21, Title 24 of the 1976 is amended by adding:

“ARTICLE 14

ELECTRONIC MONITORING VENDOR LICENSE

Section 24‑21‑1400. The Department of Probation, Parole and Pardon Services shall coordinate the development of a statewide system for the licensing of third‑party vendors providing global positioning system (GPS) and other electronic methods of monitoring defendants who are required by court order to be electronically monitored as a condition of bond. The electronic monitoring system will provide increased oversight and management of defendants released on bond.

Section 24‑21‑1410. As used in this article:

(1) ‘Defendant’ includes a criminal defendant released with electronic monitoring as a condition of bond.

(2) ‘Department’ means the Department of Probation, Parole and Pardon Services.

(3) ‘Electronic monitoring’ means any technology, device, or mechanism which is primarily intended to record and transmit information to determine an individual’s location through remote means including, but not limited to:

(a) continuous signaling house arrest devices;

(b) mobile monitoring devices;

(c) location tracking systems (GPS);

(d) programmed contact systems including those with voice or video verification.

(4) ‘Vendor’ means any private entity that enters into written contracts or agreements with state or county agencies to provide electronic monitoring equipment, installment, service and maintenance, inspection, or repair.

Section 24‑21‑1420. (A) The department is authorized to promulgate regulations to implement and regulate the provisions of this article. The department shall have the authority to:

(1) determine the qualifications of vendors;

(2) certify and approve vendors to provide electronic monitoring of a defendant;

(3) investigate and sanction vendors who violate the terms of vendor contracts and the regulations pertaining to vendors of electronic monitoring services;

(4) provide for training and continuing education of vendors; and

(5) evaluate and certify new technology that will enhance electronic monitoring services.

(B) The department shall develop a standard vendor contract and shall provide guidelines and criteria for the use of electronic monitoring and the contracting of vendors. The department shall ensure that contracts with vendors include provisions for staff training and equipment inspection, repair, and replacement.

(C) The department shall establish and maintain policies and procedures for data storage and reporting, including but not limited to how data will be retrieved and analyzed, data retention, and reporting for court purposes.

Section 24‑21‑1430. A vendor licensed pursuant to this article shall provide to the department:

(1) evidence of clear criminal records of all employees;

(2) documentation of general liability insurance coverage of at least one million dollars which must be maintained at all times while providing services;

(3) a confidentiality statement signed by each owner or director agreeing to hold the identity of defendants and records confidential;

(4) documentation of completion of training and education and any relevant continuing education as set forth by the department; and

(5) any other documentation required by the department to ensure a vendor satisfies the qualifications set forth by the department.

Section 24‑21‑1440. (A) The department shall collect an application fee of \_\_\_\_\_\_ dollars for the licensing and registering of electronic monitoring vendors. After the initial application is submitted, the department shall collect an annual renewal fee of \_\_\_\_\_\_ dollars.

(B) If the department determines a vendor, licensed pursuant to this article, has violated the policies or procedures set forth by the department a fine of five hundred dollars may be imposed upon the vendor for each violation.

Section 24‑21‑1450. Nothing in this article shall be construed to abrogate or impair the powers of any bond court or grant the department authority over a bail bonding company and their power to set conditions of pretrial release.”

SECTION 2. This act takes effect upon approval by the Governor.

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