**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4828**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Robinson‑Simpson, McCoy, Bernstein, Dillard, Govan, Gilliard, Mack, Allison, R.L. Brown, Burns, G.R. Smith and Weeks

Document Path: l:\council\bills\agm\18859ab16.docx

Introduced in the House on February 3, 2016

Currently residing in the House Committee on **Judiciary**

Summary: School House to Jail House Study Committee

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2016 House Introduced and read first time ([House Journal‑page 8](file:///h:\HJ%20Archive\2016\02-03-16.docx))

2/3/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 8](file:///h:\HJ%20Archive\2016\02-03-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4828&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/3/2016](file:///p:\pprever\2015-16\4828_20160203.docx)

**A** **JOINT RESOLUTION**

TO CREATE THE “SCHOOL HOUSE TO JAIL HOUSE STUDY COMMITTEE” TO REVIEW THE JUVENILE JUSTICE LAWS, ZERO‑TOLERANCE POLICIES, AND THE PRACTICE OF PROSECUTING STUDENTS FOR NONSERIOUS OFFENSES COMMITTED IN PUBLIC SCHOOLS, AND POLICING IN PUBLIC SCHOOLS, AND TO MAKE CERTAIN RELATED RECOMMENDATIONS TO THE GENERAL ASSEMBLY, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, TO PROVIDE FOR THE FILLING OF VACANCIES ON THE COMMITTEE, TO PROVIDE STAFFING BY THE GENERAL ASSEMBLY, AND TO PROVIDE THE STUDY COMMITTEE SHALL MAKE A REPORT OF ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY FEBRUARY 1, 2017, AT WHICH TIME THE STUDY COMMITTEE MUST BE DISSOLVED.

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

SECTION 1. (A)(1) There is created a study committee that must be known as the “School House to Jail House Study Committee” to review the juvenile justice laws, zero‑tolerance policies in public schools, the prosecution of students for nonserious offenses committed in public schools, and policing in public schools.

(B)(1) Regarding juvenile justice laws, the study committee shall:

(a) make recommendations to the General Assembly concerning proposed changes to facilitate and encourage diversion of juveniles from the juvenile justice system to restorative justice practices:

(i) to provide data to assess the efficacy of restorative justice to reduce recidivism, to assist in repairing the harm caused to victims and the community, increase victim, offender, and community member satisfaction, and reduce cost; and to promote the restorative justice principles of reconciliation, responsibility, reintegration, respect, relationship‑building, and restitution; and

(ii) when diversion may prevent juveniles from committing additional criminal acts, restore victims of crime, facilitate the juveniles’ ability to pay restitution to victims of crime, and reduce the number of cases in the juvenile justice system. Restorative justice should ensure accountability while allowing juveniles to avoid the collateral consequences associated with criminal charges and convictions; and

(b) provide recommendations concerning the creation of a pilot restorative justice program. At a minimum, this pilot program must require the circuit solicitor, prior to filing charges, to assess if the juvenile is suitable for participation in the restorative justice pilot program, and if the assessment determines the juvenile is suitable, the circuit solicitor, after consultation with the victim, may offer the juvenile prefiling diversion to a program using restorative justice practices. If the juvenile accepts participation in the program using restorative justice practices, the circuit solicitor shall not file the petition. The circuit solicitor shall place the juvenile in a diversion program using restorative justice practices, and the juvenile shall pay a fee that may be reduced on sliding scale based on income consistent with guidelines used to determine eligibility for appointment of counsel. If the juvenile successfully completes the program, the circuit solicitor shall not file a petition against the juvenile for the alleged crimes that led to participation in the program. If the juvenile is charged with a new offense while in the program or does not successfully complete the program using restorative justice practices, the circuit solicitor may initiate a petition against the juvenile and shall proceed as authorized in this joint resolution. Any statements made during the conference are confidential and may not be used as a basis for charging or prosecuting the defendant unless the defendant commits a chargeable offense during the conference. Each participant in the restorative justice program shall complete the uniform restorative justice satisfaction evaluation. Fees collected pursuant to the pilot program must be credited to a separate fund in the State Treasury styled the “Restorative Justice Account”, and the earnings on this account must be credited to it. Restorative Justice Account proceeds only may be used for the pilot program and restorative justice measures for juveniles as the General Assembly provides by law.

(2) For the purposes of the committee, “restorative justice practices” means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim initiated victim‑offender conferences, family group conferences, circles, community conferences, and other similar victim‑centered practices. Restorative justice practices must be facilitated meetings attended voluntarily by the victim or victim’s representatives, the victim’s supporters, the offender, and the offender’s supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including, but not limited to, apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentences imposed by the court. Restorative justice practices include, but must be not limited to, victim‑offender conferences, family group conferences, restorative circles of accountability and support, community group conferences, solution circles, peace circles, restorative circles, and restorative mediation. These practices may benefit and include harmed parties, people who have done harm and must be willing to take responsibility, affected families, communities, and other directly impacted members.

(C) Regarding zero‑tolerance policies in public schools, the committee shall make recommendations to the General Assembly concerning a statewide zero‑tolerance policy to:

(1) provide a safe and supportive learning environment in schools;

(2) protect students and staff from conduct that poses a serious threat to school safety;

(3) ensure zero‑tolerance policies not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances;

(4) ensure equal application to all students regardless of their economic status, race, or disability;

(5) encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs;

(6) define criteria for reporting to a law enforcement agency an act that occurs in a time or place where students are within the jurisdiction of the district school board;

(7) define acts that pose a serious threat to school safety;

(8) define petty acts of misconduct;

(9) minimize the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of a violent crime from further victimization;

(10) establish a procedure that provides each student with the opportunity for a review of the disciplinary action involving a zero‑tolerance violation;

(11) require a district school board to enter into agreements with their county sheriff’s office and local police department to specify guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency, and to clarify the role of school resource officers, if applicable, in handling reported incidents, circumstances in which school officials may handle incidents without filing a report with a law enforcement agency, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes;

(12) require a student found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than one full year, and to be referred to the criminal justice or juvenile justice system:

(a) bringing a firearm or other deadly weapon to a school, to a school function, or on school‑sponsored transportation;

(b) making a threat or false report involving school or school personnel’s property, school transportation, or a school‑sponsored activity; or

(c) both; and

(13) assign an expelled student to a disciplinary program for the purpose of continuing educational services during the period of expulsion.

(C) Regarding training for school resource officers, the committee shall make recommendations to the General Assembly concerning a cultural competency model training program curriculum for school resource officers, which must:

(1) teach behaviors, attitudes, and policies that enable law enforcement officers to understand, communicate with, and effectively interact with the individuals, organizations, and institutions in the community in the public school to which a law enforcement officer is assigned is located;

(2) provide personal exposure to the individuals, organizations, and institutions within the assigned community; and

(3) provide knowledge of governmental and community services available to help prevent juvenile arrests.

(D) The study committee must be composed of five members of the Senate, appointed by the Chairman of the Senate Education Committee, and five members of the House of Representatives, appointed by the Chairman of the House Education and Public Works Committee. The study committee shall review corresponding restorative justice laws in other states in order to determine whether amendments should be proposed to the state’s existing laws.

(E) Vacancies in the membership of the study committee must be filled for the remainder of the unexpired term in the manner of original appointment.

(F) The Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee shall provide appropriate staffing for the study committee.

(G) The study committee shall make a report of its recommendations to the General Assembly by February 1, 2017, at which time the study committee must be dissolved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑