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Indicates New Matter

COMMITTEE REPORT

April 13, 2016

**S. 1092**

Introduced by Senator Hutto

S. Printed 4/13/16--S.

Read the first time February 17, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1092) to amend Section 44‑53‑370, as amended, Code of Laws of South Carolina, 1976, relating to drug offenses, so as to conform the language of, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GREG HEMBREE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Section 44-53-370(e)(3) relating to drug offenses so as to conform the language of trafficking in illegal drugs to the language of the provisions concerning possession and distribution of Schedule I(b), I(c), and Schedule II narcotic drugs including opiates, heroin, and related synthetic drugs.

**Department of Health and Environmental Control and Judicial Department.** These agencies report that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑53‑370, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRUG OFFENSES, SO AS TO CONFORM THE LANGUAGE OF TRAFFICKING IN ILLEGAL DRUGS PROVISIONS, INCLUDING OPIATES AND HEROIN, TO THE LANGUAGE OF THE PROVISIONS CONCERNING POSSESSION AND DISTRIBUTION OF CERTAIN ILLEGAL DRUGS WHICH WOULD INCLUDE SYNTHETIC OPIATES, AMONG OTHER DRUGS.

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

SECTION 1. Section 44‑53‑370(e)(3) of the 1976 Code is amended to read:

“(3) four grams or more of any ~~morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44‑53‑190 or 44‑53‑210~~ controlled substance classified in Schedule I (b) and (c) which is a narcotic drug and in Schedule II which is a narcotic drug, or four grams or more of any mixture containing any of these substances, is guilty of a felony which is known as ‘trafficking in illegal drugs’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) four grams or more, but less than fourteen grams:

1. for a first offense, a term of imprisonment of not less than seven years nor more than twenty‑five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

2. for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty‑eight grams, a mandatory term of imprisonment of twenty‑five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

(c) twenty‑eight grams or more, a mandatory term of imprisonment of not less than twenty‑five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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