**A** **BILL**

TO AMEND SECTION 24‑3‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976 RELATING TO THE DISPOSITION OF THE WAGES OF AN INMATE WHO IS ALLOWED TO WORK, SO AS TO PROVIDE THAT AN INMATE WHO IS PAID LESS THAN THE FEDERALLY ESTABLISHED MINIMUM WAGE SHALL NOT HAVE THE COST FOR ROOM AND BOARD DEDUCTED FROM HIS WAGES, AND TO PROVIDE FOR THE DISPOSITION OF THIS PORTION OF HIS WAGES.

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

SECTION 1. Section 24‑3‑40(A)(3) of the 1976 Code, as last amended by Act 237 of 2010, is further amended to read:

“(3) Thirty‑five percent must be used to pay the prisoner’s child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty‑five percent must be used by the Department of Corrections to defray the cost of the prisoner’s room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the inmate during his incarceration for the purchase of incidentals pursuant to subsection (4). This is in addition to the ten percent used for the same purpose in subsection (4).

Notwithstanding the provisions contained in this subsection, an inmate who participates in the prison industries program, is paid less than the federally established minimum wage, and does not have child support obligations shall not have twenty‑five percent of his wages used to defray the cost of his room and board. This amount must be made available to him during his incarceration for the purchase of incidentals in addition to the ten percent used for the same purpose pursuant to subsection (4).”

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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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