~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 6, 2018

**S. 499**

Introduced by Senator Malloy

S. Printed 3/6/18--H.

Read the first time April 26, 2017.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 499) to amend Section 56-1-148 of the 1976 Code, relating to the identifying code affixed to the driver's license of a person convicted of certain crimes, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on March 2, 2017**

**State Expenditure**

This bill deletes the requirement that the Department of Motor Vehicles (DMV) must charge a $50 fee to place an identifying code on the driver’s license of a person who is convicted of or pleads guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3).

**Department of Motor Vehicles.** The agency indicates that any necessary programming changes to remove the $50 fee requirement can be absorbed within current appropriations. Therefore, this bill will have no expenditure impact on the general fund, other funds, or federal funds.

**State Revenue**

This bill removes the requirement that the Department of Motor Vehicles (DMV) must charge a $50 fee to place an identifying code on the driver’s license of a person who is convicted of or pleads guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(D). Currently, the revenue generated from the $50 fee is allocated to the State Highway Fund.

Based upon data from DMV, the three-year average of the number of driver’s licenses issued containing the identifying code for a crime of violence pursuant to Section 16-23-10(3) is 2,800. Deleting the $50 fee requirement will reduce revenue to the State Highway Fund by approximately $141,000 annually, beginning in FY 2017-18.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56-1-148 OF THE 1976 CODE, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER'S LICENSE.

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

SECTION 1. Section 56-1-148 of the 1976 Code is amended to read:

“Section 56-1-148. (A) As used in this chapter ‘identifying code’ means a symbol, number, or letter of the alphabet developed by the department to identify a person convicted of or pleading guilty or nolo contendere to a crime of violence as defined in Section 16‑23‑10(3) on or after July 1, 2011. The symbol, number, or letter of the alphabet shall not be defined on the driver's license or special identification card.

(B) In addition to the contents of a driver's license provided for in Section 56‑1‑140 or a special identification card provided for in Section 56‑1‑3350, a person who has been convicted of or pled guilty or nolo contendere to a crime of violence as defined in Section 16‑23‑10(3) on or after July 1, 2011, must have an identifying code determined by the department affixed to the reverse side of his driver's license or special identification card. The code must identify the person as having been convicted of a violent crime. The code must be developed by the department and made known to the appropriate law enforcement officers and judicial officials of this State.

(C) The presence of a special identifying code on a person's driver's license or special identification card may not be used as a grounds to extend the detention of the person by a law enforcement officer or grounds for a search of the person or his vehicle.

~~(D)~~ ~~The department shall charge a fee of fifty dollars for affixing the identifying code provided in subsection (B). This fee is in addition to the fee provided for in Section 56‑1‑140. This fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.~~

~~(E)~~(D) A person whose driver's license or special identification card has been canceled pursuant to Section 56‑1‑146 may apply for a new license or special identification card in a manner prescribed by the department. The department must issue by mail or in person a new license or special identification card with the identifying code required by this section ~~after payment of the fifty‑dollar fee provided in subsection (C)~~. The department must not issue a new driver's license to a person during any period of suspension or revocation for any reason other than Section 56‑1‑146 and a driver's license may only be issued after the period of suspension or revocation has ended and the person is otherwise eligible to be issued a license.

~~(F)~~(E) The intent of placing an identifying code on a driver's license or special identification card that identifies a person who has been convicted of a crime of violence as defined in Section 16‑23‑10(3) is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated purpose, this provision is not intended to violate the guaranteed constitutional rights of persons who have violated our state's laws.

~~(G)~~(F) If a person's conviction or guilty plea for a crime of violence as defined in Section 16‑23‑10(3) is reversed on appeal, or if the person is subsequently pardoned, then the person may apply for a driver's license or special identification card that does not have the identifying code affixed.

~~(H)~~(G) A person who is not convicted of a subsequent crime of violence as defined in Section 16‑23‑10(3) for five years after he has completely satisfied the terms of his sentence or during the term of the person's probation or parole, whichever the sentencing judge determines is appropriate, may file an application with the department to have the identifying code affixed to his driver's license or special identification card removed.

~~(I)~~(H) A person must provide appropriate supporting documentation prescribed by the department to verify his eligibility to have the identifying code removed pursuant to subsection (F) or (G). Upon verification and payment of the fee provided in Section 56‑1‑140, the person must be issued a new driver's license or special identification card.”

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

‑‑‑‑XX‑‑‑‑