**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4345**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hixon

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Introduced in the House on March 28, 2019

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

Summary: Community supervision programs

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/28/2019 House Introduced and read first time ([House Journal‑page 46](file:///h:\hj\20190328.docx))

3/28/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///h:\hj\20190328.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4345&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/28/2019](file:///p:\pprever\2019-20\4345_20190328.docx)

**A** **BILL**

TO AMEND SECTION 24‑21‑560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES THE COURT MAY REVOKE A PRISONER’S COMMUNITY SUPERVISION AND IMPOSE A SENTENCE OF UP TO THE PERIOD OF TIME REMAINING ON THE ORIGINAL SENTENCE.

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

SECTION 1. Section 24‑21‑560(C) and (D) of the 1976 Code is amended to read:

“(C) If the department determines that a prisoner has violated a term of the community supervision program and the community supervision should be revoked, a probation agent must initiate a proceeding in General Sessions Court. The proceeding must be initiated pursuant to a warrant or a citation issued by a probation agent setting forth the violations of the community supervision program. The court shall determine whether:

(1) the terms of the community supervision program are fair and reasonable;

(2) the prisoner has complied with the terms of the community supervision program;

(3) the prisoner should continue in the community supervision program under the current terms;

(4) the prisoner should continue in the community supervision program under other terms and conditions as the court considers appropriate;

(5) the prisoner has wilfully violated a term of the community supervision program.

If the court determines that a prisoner has wilfully violated a term or condition of the community supervision program, the court may impose any other terms or conditions considered appropriate and may continue the prisoner on community supervision, or the court may revoke the prisoner’s community supervision and impose a sentence of up to the period of time remaining on the original sentence ~~one year~~ for violation of the community supervision program. A prisoner who is incarcerated for revocation of the community supervision program is not eligible to earn any type of credits which would reduce the sentence for violation of the community supervision program.

(D) If a prisoner’s community supervision is revoked by the court, ~~and~~ the court imposes a period of incarceration for the revocation, and the original sentence is not satisfied during that period of incarceration, the prisoner also must complete a community supervision program of up to two years as determined by the department pursuant to subsection (B) when he is released from incarceration.

A prisoner who is sentenced for successive revocations of the community supervision program may be required to serve terms of incarceration for successive revocations, as provided in Section 24‑21‑560(C), and may be required to serve additional periods of community supervision for successive revocations, as provided in Section 24‑21‑560(D). The maximum aggregate amount of time a prisoner may be required to serve when sentenced for successive revocations may not exceed an amount of time equal to the length of incarceration imposed limited by the amount of time remaining on the original “no parole offense”. The prisoner must not be incarcerated for a period longer than the original sentence. The original term of incarceration does not include any portion of a suspended sentence.

If a prisoner’s community supervision is revoked due to a conviction for another offense, the prisoner must complete a community supervision program of up to two continuous years as determined by the department after the prisoner has completed the service of the sentence for the community supervision revocation and any other term of imprisonment which may have been imposed for the criminal offense, except when the subsequent sentence is death or life imprisonment.”

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

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