**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3153**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Prefiled in the House on December 5, 2024

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

Summary: Tests for marijuana

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3153&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3153_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24‑21‑430, RELATING TO CONDITIONS OF PROBATION, SO AS TO PROVIDE TESTS FOR THE PRESENCE OF MARIJUANA MAY NOT BE PERFORMED DURING URINALYSES OR BLOOD TESTS PERFORMED ON PROBATIONERS.

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

SECTION 1. Section 24‑21‑430 of the S.C. Code is amended to read:

 Section 24‑21‑430. The court may impose by order duly entered and may at any time modify the conditions of probation and may include among them any of the following or any other condition not prohibited in this section; however, the conditions imposed must include the requirement that the probationer must permit the search or seizure, without a search warrant, based on reasonable suspicions, of the probationer’s person, any vehicle the probationer owns or is driving, and any of the probationer’s possessions by:

 (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or

 (2) any other law enforcement officer, but the conditions imposed upon a probationer who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the probationer agree to be subject to search or seizure, without a search warrant, with or without cause, of the probationer’s person, any vehicle the probationer owns or is driving, or any of the probationer’s possessions.

 By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on probation. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency’s policies and procedures.

 To effectively supervise probationers, the director shall develop policies and procedures for imposing conditions of supervision on probationers. These conditions may enhance but must not diminish court imposed conditions.

 The probationer shall:

 (1) refrain from the violations of any state or federal penal laws;

 (2) avoid injurious or vicious habits;

 (3) avoid persons or places of disreputable or harmful character;

 (4) permit the probation agent to visit at his home or elsewhere;

 (5) work faithfully at suitable employment as far as possible;

 (6) pay a fine in one or several sums as directed by the court;

 (7) perform public service work as directed by the court;

 (8) submit to a urinalysis or a blood test, or both upon request of the probation agent. However, a test for the presence of marijuana may not be performed during a urinalysis or blood test;

 (9) submit to curfew restrictions;

 (10) submit to house arrest which is confinement in a residence for a period of twenty‑four hours a day, with only those exceptions as the court may expressly grant in its discretion;

 (11) submit to intensive surveillance which may include surveillance by electronic means;

 (12) support his dependents; and

 (13) follow the probation agent’s instructions and advice regarding recreational and social activities.

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

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