**South Carolina General Assembly**

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**S. 374**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Martin and Hembree

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

Summary: Deptment of Juvenile Justice

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/25/2025 Senate Introduced and read first time

 2/25/2025 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[02/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/374_20250225.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑19‑360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO PROVIDE THAT THE DEPARTMENT MUST ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH COUNTIES OR MUNICIPALITIES WHO USE THE DEPARTMENT’S DETENTION SERVICES DETAILING THE PER DIEM COSTS AND INVOICE PROCESS; BY AMENDING SECTION 63‑19‑1610, RELATING TO EXCLUSIVE CARE AND PAYMENT BY LOCAL GOVERNMENTS FOR USE OF THE FACILITIES, SO AS TO DELETE INCONSISTENT LANGUAGE REGARDING THE PAYMENT OF A FEE OF FIFTY DOLLARS A DAY PER CHILD; AND BY AMENDING SECTION 14‑1‑208, RELATING TO ADDITIONAL ASSESSMENTS, SO AS TO DELETE INCONSISTENT LANGUAGE REGARDING THE PAYMENT OF A FEE OF TWENTY FIVE DOLLARS A DAY PER CHILD.

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

SECTION 1. Section 63‑19‑360(4) of the S.C. Code is amended to read:

 (4) providing juvenile detention services for juveniles charged with having committed a criminal offense who are found, after a detention screening or detention hearing, to require detention or placement outside the home pending an adjudication of delinquency or dispositional hearing. Detention services provided by the department for the benefit of the counties and municipalities of this State must include secure juvenile detention centers. The size and capacity of the juvenile detention facilities needed must be determined by the department after its consideration and review of minimum standards for local detention facilities in South Carolina for the design, construction, and operation of juvenile detention centers. These recognized state standards must be met or exceeded by the department in determining the size and capacity of the juvenile detention centers and in planning for the construction and operation of the facilities. The department shall determine and announce the anticipated maximum operational capacity of each facility and shall contact each county and municipal governmental body in this State for the purpose of determining which counties or municipalities anticipate utilizing these facilities upon each facility becoming operational. The department shall inform each county and municipal governmental body of the existing state and federal laws regarding the confinement of juveniles charged with committing criminal offenses, of each county's and municipality's ability to develop its own facility or to contract with other counties or municipalities for the development of a regional facility, and of the availability of the department's facilities. This notice must be provided to each county and municipality for the purpose of determining which county governmental bodies desire to enter into an intergovernmental agreement with the department for the detention of juveniles from their particular community who are charged with committing a criminal offense for which pretrial detention is both authorized and appropriate. No later than September 1, 1993, the department shall report to the Budget and Control Board on the strategy of each county to comply with requirements of counties under this chapter. The department must include with its report a plan for the construction and the operation of those facilities which are projected to be necessary for the preadjudicatory detention of juveniles in this State. No later than September first of each subsequent year, the department shall report to the board on the status of all preadjudicatory juvenile detention facilities known to be operational or planned, regardless of ownership or management. Beginning with the report to the board which is due no later than September 1, 1996, the department must include an annual status report on the numbers of juveniles in pretrial detention who are awaiting disposition in general sessions court, whether they have been waived by the family court or whether they qualify due to the offense with which they are charged. The board then will coordinate with all responsible and affected agencies and entities to ensure that adequate funding is identified to prevent the detention or incarceration of juveniles who are awaiting disposition by, or who are under the jurisdiction of, the family court in adult jails anywhere within the State of South Carolina and to prevent the detention of juveniles who are awaiting disposition by general sessions court in facilities which do not provide actual sight and sound separation from adults who are in detention or custody. Upon completion of each facility and upon the determination by the Jail and Prison Inspection Division of the Department of Corrections that each facility is staffed in accordance with relevant standards and can be operated in accordance with these standards, the division shall determine and announce the rated capacity of each facility. A facility operated by the Department of Juvenile Justice for the preadjudicatory detention of juveniles must be maintained and continued in operation for that purpose until approved for conversion or closure by the Department of Administration. However, a county or municipality which decides to maintain its own approved facilities or which has entered into a regional intergovernmental agreement, which has provided secure facilities for preadjudicatory juveniles, and which meets the standards set forth above, may continue to operate these facilities. County and regionally operated facilities are subject to inspection by the Jail and Prison Inspection Division of the Department of Corrections for compliance with the standards set forth above and those created pursuant to Section 24‑9‑20. The division has the same enforcement authority over county, municipal, and regionally operated secure juvenile detention facilities as that which is provided in Section 24‑9‑30. In Department of Juvenile Justice operated facilities, the department shall determine an amount of per diem for each child detained in a center, which must be paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred. The per diem paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred must be based on the average operating cost among all preadjudicatory state facilities. The Department of Juvenile Justice must assume one‑third of the per diem cost and the governing body of the law enforcement agency having original jurisdiction where the offense occurred must assume two‑thirds of the cost. Per diem funds received by the department must be placed in a separate account by the department for operation of all preadjudicatory state facilities. Transportation of the juvenile to and from a facility is the responsibility of the law enforcement agency having jurisdiction where the offense was committed. Transportation of juveniles between department facilities, if necessary, is the responsibility of the department. The department must enter into intergovernmental agreements with counties or municipalities who use the department’s detention services detailing the per diem costs and invoice process. The department can deny admission of youth from counties and municipalities that are delinquent in payment of per diem rates.

SECTION 2. Section 63‑19‑1610 of the S.C. Code is amended to read:

 Section 63‑19‑1610. From the time of lawful reception of a child by the Department of Juvenile Justice and during the child's stay in custody in a correctional institution, facility, or program operated by the department, the child shall be under the exclusive care, custody, and control of the department. All expenses must be borne by the State except local governments utilizing the juvenile detention services provided by the Department of Juvenile Justice must pay the department a per diem of fifty dollars a day per child as provided in Section 63‑19‑360. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with juvenile services provided by the department. If adequate funding is not received, the department shall have flexibility to use funds from other programmatic areas to maintain an appropriate level of service.

SECTION 3. Section 14‑1‑208(C)(11) of the S.C. Code is amended to read:

 (11) 13.61 percent to the Department of Juvenile Justice. The Department of Juvenile Justice must apply the funds generated by this item to offset the nonstate share of allowable costs of operating juvenile detention centers so that per diem costs charged to local governments utilizing the juvenile detention centers do not exceed twenty‑five dollars a day. Notwithstanding this provision of law, the director of the department may waive, reduce, defer, or reimburse the charges paid by local governments for juvenile detention placements. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with regional evaluation centers; and

SECTION 4. This act takes effect upon approval by the Governor.

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