A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 13, TITLE 24 SO AS TO ESTABLISH A STATE WORK PROGRAM WITHIN THE DEPARTMENT OF CORRECTIONS.

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

SECTION 1. Chapter 13, Title 24 of the S.C. Code is amended by adding:

Article 17

State Work Program

Section 24‑13‑1710. As used in this article:

(1) “Eligible inmate” means a person committed to the South Carolina Department of Corrections who:

(a) has been convicted of a nonviolent crime; and

(b) is physically able to participate in the state work program.

(2) “State work program” means a program in which eligible inmates are ordered by the court to participate and serve not less than three years and not more than five in an incarceration facility and requires an inmate to work an eight‑hour day for five days a week maintaining state and county roads and property, mow grass and pick up litter along state and county roads, and repair potholes along state and county roads.

(3) “Director” means the Director of the Department of Corrections.

Section 24‑13‑1720. (A) The director, guided by consideration for the safety of the community and the welfare of an inmate, shall promulgate regulations, according to procedures set forth in the Administrative Procedures Act, for the state work program. The regulations must reflect the purpose of the program and include, but are not limited to, selection criteria, inmate discipline, programming and supervision, and program structure and administration.

(B) The program may be established only at an institution classified by the director as a state work facility.

(C) The department shall undertake studies and prepare reports periodically on the impact of the program and on whether the programmatic objectives are met.

Section 24‑13‑1730. (A) A court may order an eligible inmate be sentenced to the state work program. If an eligible inmate is sentenced to the state work program, he must be transferred to the custody of the department for evaluation.

(B) The department must evaluate the inmate to determine whether the inmate is physically, psychologically, and emotionally able to participate in this program.

(C) The director shall notify the court within fifteen working days if the inmate is physically, psychologically, or emotionally unsuitable for participation in the state work program. An unsuitable inmate must be returned to court for sentencing to another term as provided by law.

(D) An applicant may not participate in the program unless he agrees to be bound by all of its terms and conditions and indicates this by signing the following:

“I accept the foregoing program and agree to be bound by its terms and conditions. I understand that my participation in the program is a privilege that may be revoked at the sole discretion of the director. I understand that I shall complete the entire program successfully to obtain a certificate of earned eligibility upon the completion of the program, and if I do not complete the program successfully, for any reason, I will be returned to court for sentencing to another term as provided by law.”

(E) An inmate who has completed the state work program successfully is eligible to receive a certificate of earned eligibility and must be granted parole release if he has executed the agreement contained in subsection (D).

(F) Nothing contained in this article confers upon an inmate the right to participate or continue to participate in the program.

Section 24‑13‑1740. (A) If an inmate sentenced to a state work program:

(1) becomes ill and is unable to work, he will not be required to work during the duration of his illness. However, the inmate would not be eligible to receive credit towards his sentence while recovering from his illness;

(2) is unable to work due to inclement weather or the facility’s inability to find suitable work for the inmate, then the inmate would be eligible to receive credit towards his sentence during this period; or

(3) refuses to perform assigned tasks for a period of time, he must be terminated from the program and resentenced by the judge who initially sentenced him to the state work program.

(B) State work program work crews shall not consist of more than five inmates and must be monitored by a GPS device.

(C) A Department of Corrections employee who mistreats a member of a state work program work crew is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years.

(D) It is unlawful for a person who is not employed by the Department of Corrections to approach a member of a state work program work crew. A person who violates this provision is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than thirty days.

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

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