

“The Voice”



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STANDING FOR VICTIMS IN FEDERAL CONSTITUTION

Paul G. Cassell / June 14, 2012 / In Support of H.106

Our Constitution should include a Bill of Rights for crime victims, along the lines of the Victims' Rights Amendment which has been introduced in Congress. This amendment is rooted in the simple idea that victims of crime deserve a role in the criminal process. It matches constitutional protections for criminal defendants with rights for crime victims.

They would be guaranteed the rights to notice of court hearings, to attend those hearings, and to speak when appropriate, for example, at proceedings for bail, plea bargains, and sentencing. Victims would also have the right to see their cases proceed without unreasonable delay, to be notified when an offender is released or escapes, to have judges consider their safety before granting bail, and to restitution from a convicted offender.

These rights restore victims to their original place in the criminal justice system. When the Constitution was drafted, victims could actively pursue criminal cases, even serving as their own private prosecutors. The diminish-

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ment of their role over time shortchanged their interest in the outcome of government-determined prosecutions. Prompted by the victims' rights movement of the last few decades, more than 30 states have enshrined victims' rights in their own constitutions since 1988. And in 2004, Congress passed the Crime Victims' Rights Act, which gave victims rights in federal court.

The growing number of state amendments, along with the federal law, reflects a growing national consensus that victims belong inside the criminal justice process—with a voice in decision-making. And yet, as Harvard Law professor Laurence Tribe has observed, victims' rights provisions have too often failed in the face of bureaucratic habit, traditional indifference, or the potential for conflict with the rights of the accused—even when those rights are not genuinely threatened.



In the late 1990s, a study by the National Institute of Justice found that "large numbers of victims are being denied their legal rights." For example, even in several states identified as giving "strong protection" to victims' rights, fewer than 60 percent of victims were notified when defendants were sentenced and fewer than 40 percent were notified of the pretrial release of the defendant.

A follow-up analysis found that racial minorities were the least likely to be afforded their rights. Former Attorney General Janet Reno concluded that the current "haphazard patchwork" of rules is "not" sufficiently consistent, comprehensive or authoritative to safeguard victims' rights."

At the federal level, in 2008 the General Accountability Office gave the Crime Victims' Rights Act a mixed review for efficacy. In court, cases testing the law, have produced uneven results and even crushing defeats. For example, in 2008 the parents of a murder victim in Salt Lake City were blocked from delivering a victim impact statement at the sentencing of the man convicted of illegally selling the murder weapon to her killer.

The Victims' Rights Amendment to the Constitution was first proposed by President Bill Clinton in 1996 (the only constitutional amendment endorsed by his administration) and has since garnered congressional support across the ideological spectrum, from **Republican Sens. Orrin Hatch and Jon Kyl to Democrats Joseph Biden and Dianne Feinstein.**

Critics have focused their attacks not on the amendment's underlying principles but rather on the mechanics of implementation. Some opponents have argued that the rights of crime victims do not belong to be in the Constitution because they do not concern the country's political architecture. Yet the amendment promotes the grand theme of the Bill of Rights—protecting citizens against governmental misconduct—while also advancing the goals of later amendments that increase citizen participation in governmental processes (as I argue at greater length here). Nor does the amendment challenge the Warren Court rulings that expanded the protections for criminal defendants, as the ACLU has charged.

The idea is merely that we should make a national commitment to ensuring that victims receive equal treatment.

In an earlier era, judges might have been able to informally accommodate victims' interests. But today the coin of the criminal justice realm is federal constitutional rights. Without this level of recognition, victims inevitably become second-class citizens, with judges too often giving automatic precedence to the asserted claims of defendants rather than searching for reasonable alternatives that can accommodate the interests of both sides. To change that, here's the **Victims' Rights Amendment, as proposed in the current Congress:**

SECTION 1. The rights of a crime victim to fairness, respect, and dignity, being capable of protection with-

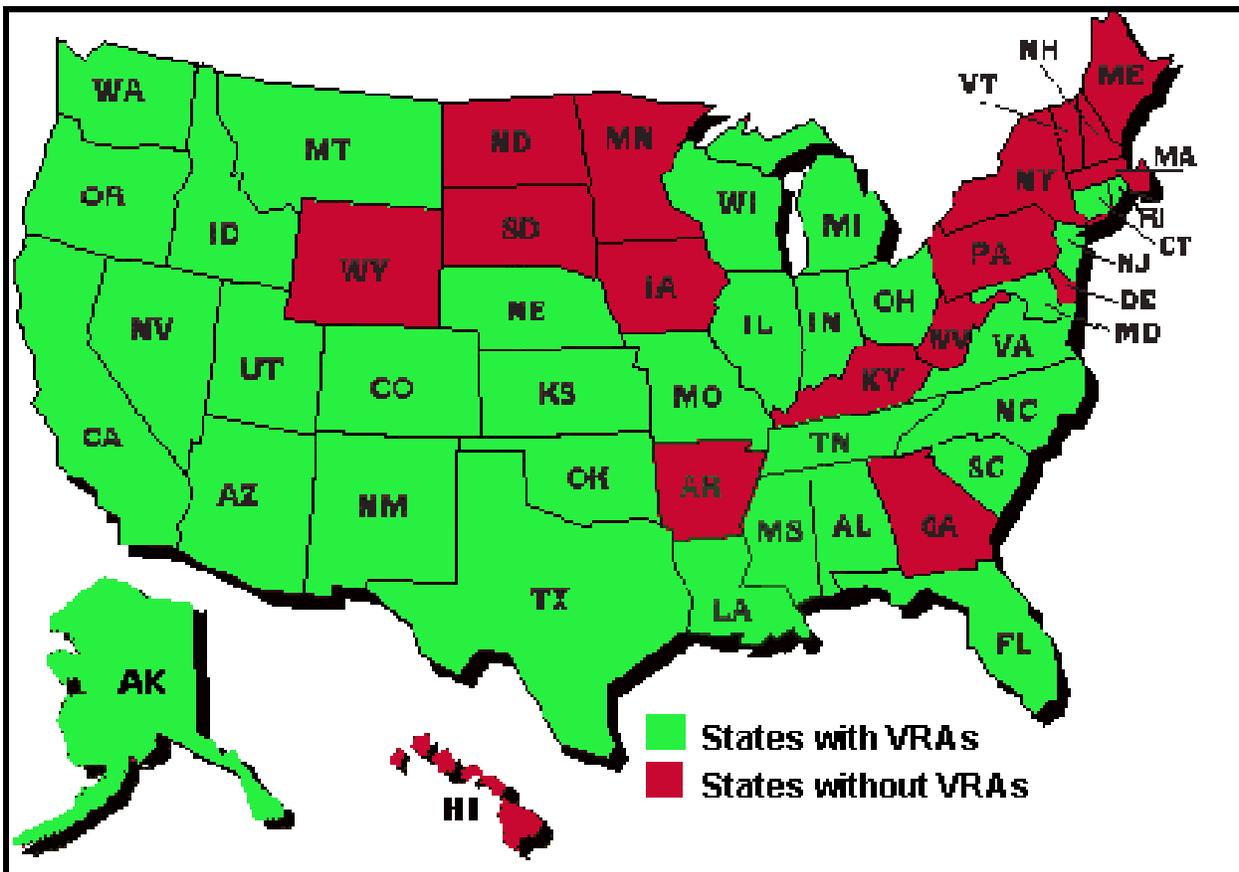
out denying the constitutional rights of the accused, shall not be denied or abridged by the United States or any State. The crime victim shall, moreover, have the rights to reasonable notice of, and shall not be excluded from, public proceedings relating to the offense, to be heard at any release, plea, sentencing, or other such proceeding involving any right established by this article, to proceedings free from unreasonable delay, to reasonable notice of the release or escape of the accused, to due consideration of the crime victim's safety, and to restitution. The crime victim or the crime victim's lawful representative has standing to fully assert and enforce these rights in any court. Nothing in this article provides grounds for a new trial or any claim for damages and no person accused of the conduct described in section 2 of this article may obtain any form of relief.

SECTION 2. For purposes of this article, a crime victim includes any person against whom the criminal offense is committed or who is directly harmed by the commission of an act, which, if committed by a competent adult, would constitute a crime.

SECTION 3. This article shall take effect on the 180th day after the date of its ratification.

HJR 106 has been introduced in the U.S. House of Representatives – a Federal amendment that would elevate crime victims' rights to the U.S. Constitution ([see http://www.nvcap.org/](http://www.nvcap.org/) for background information). Your National Victims' Constitutional Amendment Project recently initiated a petition campaign to garner widespread support for this critical Federal amendment.

Please visit <http://www.nvcap.org/vrapetition/index.php> and sign on to support a Federal constitutional amendment for crime victims' and survivors' rights. **WE NEED TO SHOW GRASS ROOTS AND NATIONWIDE SUPPORT FOR HJR 106!**



2012 New Statutes of Interest to Crime Victims

BLUE ALERT PROGRAM

The General Assembly approved and the Governor signed into law [H.4636](#), legislation establishing the Blue Alert Program within the South Carolina Law Enforcement Division. This program is a means of rapidly disseminating information to assist in apprehending a suspect who allegedly kills, seriously injures, or abducts a law enforcement officer. It is designed to make use of the Amber Alert infrastructure established for the rapid recovery of missing and abducted children, including messages to motorists posted on South Carolina Department of Transportation electronic traffic signs and releases to broadcast media, to distribute timely information that can help locate a fleeing suspect who poses a serious public safety threat. Thanks to Cindy Konduras & Chief Stewart for hard work!

STATUS: Having passed the General Assembly, [H.4636](#) was ratified February 21, 2012, (R.134) and signed into law by the Governor on February 27 (Act No. 124).

BOND FOR CRIMINAL OFFENSES

The General Assembly approved and the Governor has signed into law [H.3895](#) (Rep. Tallon) and [S.45](#). Both pertain to bond for criminal offenses. Highlights of the legislation include the following.

Bond Hearings

Prior to or at the time of the bond hearing, the arresting law enforcement agency rather than the particular arresting officer may provide the court with information about the criminal record of the accused and any other information that will assist the court in determining conditions of release.

Any person charged with the offense of burglary in the first degree may have his bond hearing for that charge in summary court unless the solicitor objects.

Circuit Court Reconsideration of Bond

Circuit courts, at their discretion, may review and reconsider bond for general session offenses set by summary court judges. Also, circuit courts may consider motions regarding reconsideration of bond for general session offenses set by summary court judges.

After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court based upon the defendant's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. After a circuit court judge has heard and ruled upon the state's motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider.

Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. Motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any. If the State's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, or imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within 48 hours of receiving the state's motion or as soon as practical. The legislation provides procedures for conducting these proceedings. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.

Surety Relief of Liability

There are new provisions relating to a bond surety's relief of liability. Unless a bench warrant is issued, an appearance recognizance or an appearance bond is discharged upon adjudication, a finding of guilt, a differed disposition, or as otherwise provided by law. An appearance bond is valid for a period of three years from the date the bond is executed for a charge triable in circuit court and eighteen months from the date the bond is executed for a charge triable in magistrates or municipal court. In order for the surety to be relieved of liability on the appearance bond when the time period has run, the surety must provide 60 days written notice to the solicitor, when appropriate, and the respective clerk of court, chief magistrate, or municipal court judge with jurisdiction over the offense of the surety's intent to assert that the person is no longer subject to a valid appearance bond. If the appropriate court determines the person has substantially complied with his court obligations and the solicitor does not object within the required 60 days by demanding a hearing, the court shall order the appearance bond converted to a personal recognizance bond and the surety relieved of liability. These provisions which allow a surety to be relieved of an appearance bond under certain circumstances are retroactive and apply to all existing and future appearance bonds.

If the defendant is incarcerated by the surety or a law enforcement agency as a result of a bench warrant, current law requires the surety to file an affidavit with the court stating that the defendant is incarcerated in the appropriate facility as a result of the bench warrant as well as the violation of the specific term or terms of the bail bond stated on the bench warrants. New provisions require the affidavit to not only be filed but also served on the defendant in order for the surety to be relieved of all liability on the bail bond by the court unless otherwise ordered by the circuit court within fourteen calendar days of the filing of the affidavit, or, if there is no term of court within the fourteen day period, at the ensuing term of court.

STATUS: Having been approved by the General Assembly, [H.3895](#) was ratified January 26, 2012, (R.122) and was signed into law on February 1 (Act No. 115). Having been approved by the General Assembly, [S.45](#) was ratified June 29 (R.329) and signed into law by the Governor on the same day (Act No. 286).

DEMOLISHING VEHICLES - NEW REQUIREMENTS TO REDUCE THE LIKELIHOOD THAT STOLEN PROPERTY IS BEING TURNED OVER TO JUNK DEALERS, VEHICLE DEMOLISHERS, AND SECONDARY METALS RECYCLERS

Lawmakers approved and the Governor signed into law [S.1031](#), legislation imposing new requirements relating to demolishing vehicles to reduce the likelihood that stolen property is being turned over to junk dealers, vehicle demolishers, and secondary metal recyclers. The legislation imposes new requirements for turning over a valid title certificate with a vehicle to a demolisher in order for the vehicle to be demolished. The legislation establishes alternate means of satisfying proof of ownership to allow a vehicle to be demolished without producing a title to apply in situations where vehicles have been obtained through sheriffs' sales, public auctions of abandoned vehicles, and similar lawful transactions. The legislation establishes a procedure allowing someone to turn over older derelict vehicles for demolishing without a title or other proof of ownership. Such vehicles, including wrecks abandoned on one's property, must be at least twelve model years old and must lack an engine or be otherwise totally inoperable. Before completing a transaction on such older vehicles, the demolisher or secondary metals recycler must verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. If a vehicle has been reported stolen, the transaction must not be completed and the demolisher or secondary metals recycler must notify the appropriate law enforcement agency. The legislation enhances record keeping requirements for businesses and criminal penalty provisions for violations. First offenses remain misdemeanors, and second and subsequent offenses are felonies subject to a fine of up to one thousand dollars and/or imprisonment for up to three years. Falsifying a required application, form or affidavit is a felony offense. In lieu of criminal penalties, the director of the Department of Motor Vehicles may issue an administrative fine of up to one thousand dollars for each unintentional violation. Also, a vehicle used to transport a vehicle or vehicle parts unlawfully may be subject to seizure by law enforcement.

STATUS: Having been approved by the General Assembly, [S.1031](#) was ratified on June 12, 2012, (R.269) and signed into law by the Governor on June 18 (Act No. 242).

CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE

Lawmakers approved and the Governor signed into law [H.3667](#). (**Rep. Bruce Bannister**) This legislation establishes the felony offense of criminal sexual conduct in the third degree **§16-3-655(C)** when the actor is over the age of fourteen and commits certain acts with a child under the age of sixteen; the legislation includes an exception for certain consensual conduct when the actor is eighteen years of age or less and the other person is at least fourteen years of age. The legislation also repeals a current code provision relating to committing or attempting to commit a lewd act upon a child under the age of sixteen. (**Repeals Lewd Act on a Minor §16- 15-140**). **Other code sections are updated to reflect these changes.** *STATUS: Having been approved by the General Assembly, [H.3667](#) was ratified on June 12, 2012, (R.288) and signed into law by the Governor on June 18 (Act No. 255).*

ENHANCED ENFORCEMENT PROVISIONS FOR THEFT OF COPPER AND OTHER NONFERROUS METALS

The General Assembly approved and the Governor signed into law [S.1031](#). This legislation makes revisions to the legislation enacted last year to address the problem of copper theft by enhancing penalties for unlawfully obtaining copper and other nonferrous metals and imposing new restrictions on the sales of such metals that require recyclers and others who sell, purchase and transport nonferrous metals to obtain permits from the sheriff. Notably, the legislation revises the criminal offense established for unlawfully obtaining metals so that it includes lead-acid batteries and steel propane gas tanks, but excludes aluminum cans. The legislation makes revisions regarding required permits. A statewide permit is authorized for transporting nonferrous metals that is valid for a period of two years, rather than one year. The legislation provides for the revocation of permits for violations. To strengthen the existing prohibition on cash transactions for the sale of copper, catalytic converters and beer kegs that requires recyclers to pay for such purchases by check alone, the legislation prohibits a recycler from cashing checks or making use of an automated teller machine (ATM) or other cash card system instead of a check. The legislation prohibits a recycler from purchasing or otherwise acquiring an iron or steel man-hole cover or drainage grate. The restrictions placed on metal purchases are revised to establish several exemptions for governments, businesses and charities that have lawful reasons for dealing with scrap metal. *STATUS: Having been approved by the General Assembly, [S.1031](#) was ratified on June 12, 2012, (R.269) and signed into law by the Governor on June 18 (Act No. 242).*

FIELD SOBRIETY TESTS

The General Assembly approved and the Governor signed into law [S.263](#), (**Senator Knotts**) legislation pertaining to field sobriety tests. When a person is suspected of causing a motor vehicle incident resulting in the death of another person by the investigating law enforcement officer on the scene of the incident, this legislation requires the driver to submit to field sobriety tests if he is physically able to do so. *STATUS: Having been approved by the General Assembly, [S.263](#) was ratified June 12, 2012, (R.263) and signed into law by the Governor on June 18 (Act No. 226).*

HUMAN TRAFFICKING

The General Assembly approved and the Governor signed into law [H.3757](#). (**Rep Hardwick**) This legislation expands and enhances penalties for human trafficking and implements other measures to combat the practice of trafficking in persons where victims are subjected to involuntary servitude, sex trafficking, or debt bondage by means of physical restraint, extortion, control of immigration documents, drug dependency, or other forms of coercion. Highlights of the legislation include the following.

Prosecution Provisions

The legislation provides expanded and enhanced felony offenses that apply to someone who knowingly attempts or actually recruits, entices, solicits, isolates, harbors, transports, provides, or obtains a victim for human trafficking purposes. These criminal offenses also apply to those who benefit financially from human trafficking ventures. Repeat offenses carry longer terms of imprisonment with a third or subsequent felony offense subjecting the offender to imprisonment for up to forty-five years. Additional penalties are provided if a victim is under the age of eighteen. A person who aids, abets, or conspires with another person to commit human trafficking violations is considered a trafficker under the legislation and must be punished accordingly. The legislation provides for criminal liability and loss of business licenses for business owners that use their businesses to participate in or aid in human trafficking. Property and assets used in human trafficking ventures are subject to seizure and forfeiture. The legislation provides for prosecution by the State Grand Jury when a trafficking in persons offense involves more than one county.

Victim Protection Provisions

The legislation provides mandatory restitution for victims of human trafficking and includes these crime victims under the provisions of the Victims' Bill of Rights so that they are entitled to compensation through the State Crime Victim's Compensation Fund. Confidentiality provisions are included for such victims. Victims of human trafficking are afforded an affirmative defense in certain criminal prosecutions and are authorized to bring civil actions. The legislation establishes provisions to safeguard a trafficking shelter, or domestic violence shelter by prohibiting the presence of human traffickers at shelters and creating a criminal offense for publishing or otherwise disclosing the location of a shelter or the whereabouts of a trafficking victim.

Prevention Provisions

The legislation establishes an interagency task force within the SC Attorney General's Office to develop and implement a State Plan for the Prevention of Trafficking in Persons and provides for training, inter-agency cooperation and the creation of public awareness programs on human trafficking issues.



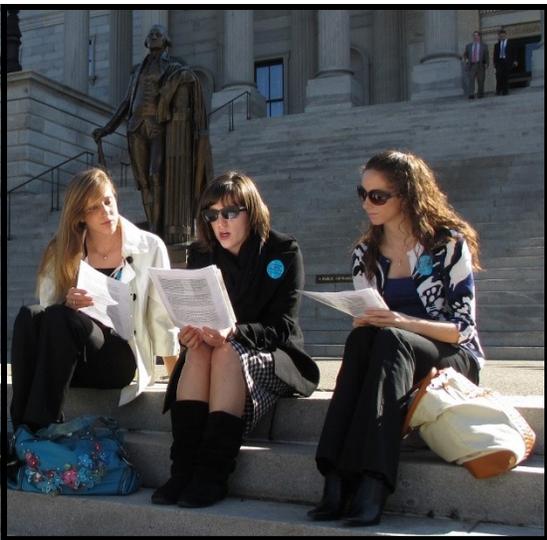
Representative **Chip Huggins** of Lexington, Representative **Nelson Hardwick** of Horry (Chief Sponsor of the House Bill), The Honorable SC **Attorney General Alan Wilson**, **Patricia Ravenhorst**, The Honorable **Duffy Stone**, Solicitor of the 14th Circuit, **Ellen Hamilton**, ED of PeeDee Coalition, **Laura Hudson** ED of SCCVC & **Betty Houbion** stand in support of the Human Trafficking Legislation awaiting an opportunity to speak.

STATUS: Having been approved by the General Assembly, H.3757 was ratified June 12, 2012, (R.292) and signed into law by the Governor on June 18 (Act No. 258).



Betty Houbion

The Chief organizer gathers the public interest groups in front of the state capitol



Some members of the public and victim advocates await an opportunity to talk with the General Assembly members.

Patricia Ravenhorst talks with the news media



In the Huddle

Laura Hudson of SCCVC, Patricia Ravenhorst & Mike Pinilla of SCVAN pour over the contents of H. 3757 awaiting the Media Event to take place under the Rotunda outside the Senate Chambers.





HUMAN TRAFFICKING EDUCATION DAY AT THE SC GENERAL ASSEMBLY



Attorneys Tammy Besherse of SC Justice & **Bryan Stirling** of the Attorney General's Office keep up with the Senate SubCommittee agenda. **Ellen Hamilton** of the PeeDee Coalition sits behind them along with **Dr. Oran Smith** of the Palmetto Council. *Many cooks in this good pot of stew.*

PROHIBITING INMATES FROM UTILIZING ANY INTERNET-BASED SOCIAL NETWORKING WEBSITE FOR PURPOSES OF HARASSING, INTIMIDATING OR OTHERWISE CONTACTING A CRIME VICTIM Lawmakers approved and the Governor signed into law [H.3527](#). This legislation provides that it is unlawful for an inmate, or a person acting in behalf of or enabling an inmate, to utilize any internet-based social networking website for purposes of harassing, intimidating or otherwise contacting a crime victim. A violation is a misdemeanor subject to a fine of up to \$500 and/or imprisonment for not more than 30 days. *STATUS: Having been approved by the General Assembly, [H.3527](#) was ratified on June 12, 2012, (R.287) and signed into law by the Governor on June 18 (Act No. 234).*

SYNTHETIC DRUG THREATS (BATH SALTS, SPICE/SYNTHETIC MARIJUANA AND K2) Lawmakers approved and the General Assembly signed into law [H.3793](#). This legislation adds numerous materials, chemical compounds, mixtures and preparations, including those commonly known as bath salts, spice, and K2, to the list of Schedule I controlled substances, which are unlawful for members of the general public to purchase, sell, distribute, manufacture, or possess. The legislation also enhances the Department of Health and Environmental Control's authority to make changes to the schedules of controlled substances while the General Assembly is not in session and when changes occur in federal law regarding controlled substances. *STATUS: Having passed the General Assembly, [H.3793](#) was ratified on March 29, 2012, (R.158) and was signed into law by the Governor. Thanks to Katherine Richardson of SLED for shepherding this vital legislation.*

[H.4473](#) PROHIBITION ON CERTAIN SEX OFFENDERS OBTAINING CHILD CUSTODY (Rep. Limehouse) In making a decision regarding custody of a minor child, in addition to other existing factors specified by law, this legislation provides that the court must consider and may not grant custody of a minor child to a parent, guardian, or another person who is required to register as a sex offender. The legislation further provides that no child may be placed in foster care with a person who is required to register as a sex offender. *STATUS: Signed by the Governor 06/18/12, Effective 06/18/12*



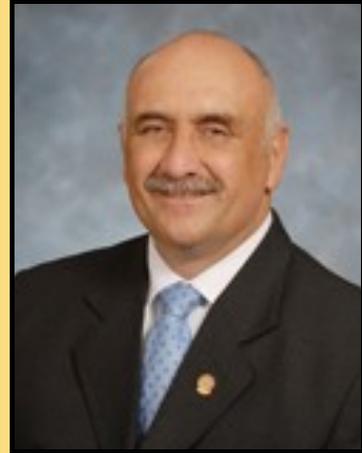
[H.4513](#) ADULT PROTECTION COORDINATING COUNCIL (Rep. Harrison) Relating to the membership of the Adult Protection Coordinating Council under the auspices of the South Carolina Department of Health and Human Services, this legislation revises the membership and makes technical corrections. This legislation also revises the duties of the council and adds the requirement that the council annually prepare and distribute to the membership and the members of the General Assembly a report of the council's activities and accomplishments for the calendar year. *Status: Signed by Governor 06/18/12, Effective 06/18/12.*



[H.4516](#) INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN CERTAIN FACILITIES OPERATED BY THE STATE (Rep. Harrison) This legislation provides that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the Sexually Violent Predator Act must be referred by the State Law Enforcement Division to the Client Advocacy Program of the Department of Mental Health for investigation. *Status: Signed by Governor*

Rep Jim Harrison retired from representing District 75 in Richland County at the end of the session this year. Thanks Jim for your leadership as the Chairman of the House Judiciary and your consistent support of crime victims since 1989!

H.4614 COURT-ORDERED CHILD CUSTODY (Rep. Pitts) This legislation specifies certain procedures and requirements for court-ordered child custody. Among other things, the legislation requires parents to jointly prepare and submit a parenting plan, which the court must consider before issuing temporary and final custody orders. The legislation requires the court to make final custody determinations in the best interest of the child based upon the evidence presented. It requires the court to consider joint custody if either parent seeks it and to state findings of fact as to why or why not joint custody was awarded. The legislation provides matters that may be included in a custody order, provides factors the court may consider in issuing or modifying a custody order when considering the best interest of the child, and authorizes a parent to seek arbitration of an issue that cannot be resolved between the parents. Relating to the rights and duties of parents to their children, this legislation provides that unless otherwise provided by an order of the court, parents have equal powers, rights, and duties concerning all matters affecting their children. *STATUS: 06/18/12, Effective 06/18/12 except Section 1 which becomes effective 60 days after Governor's signature.*



H.4690, the "**JASON FLATT ACT**" (**Rep. Owens**) Under this legislation, the Department of Education shall require two hours of training in **YOUTH SUICIDE AWARENESS AND PREVENTION** as a requirement for the renewal of credentials for middle and high school teachers. This new required training counts toward the total of one hundred twenty credits required for the renewal of teacher certification. The department is required to develop guidelines for training and materials that may be used by schools and school districts; school districts may approve training materials for their employees. The new training requirement may be satisfied through self review of suicide prevention materials. No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions or resulting from any training required by these provisions, or lack of training, unless the loss or damage was caused by wilful or wanton misconduct. The training required by these provisions, or lack of training, must not be construed to impose any specific duty of care. *STATUS: Signed by Governor 05/14/12, Effective 05/14/12.*

H.3750 (Rep. Vick) The legislation revises provisions for independent **AUTOPSIES** ordered by coroners or medical examiners in instances of patient death at health care facilities so as to allow the autopsy to be performed by the health care facility where the death occurred, by a physician employed by the facility, or by a physician connected to the treatment of the deceased only in instances where the coroner or medical examiner certifies that there is no reasonable alternative. The legislation also revises provisions for the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division by providing that when a coroner rules that the death of an individual in a veterans nursing home under the authority of the Department of Mental Health results from natural causes, SLED is not required to conduct an investigation regarding the individual's death. *STATUS: Signed by Governor 03/13/12, Effective 03/13/12*



S.1099 (S. Fair) JUVENILE PAROLE BOARD MEMBERS TO RECEIVE A HEARING FEE This legislation provides that members of the Board of Juvenile Parole shall receive a hearing fee in an amount provided by the General Assembly in the annual appropriations act. *STATUS: Signed by Governor 06/18/12, Effective 06/18/12*

Bills that passed the Senate then died in House:



Rep. Joan Brady (Richland) speaks at the rally for passage of the Ignition Interlock for 1st Offense DUI Offenders. She is flanked by **Laura Hudson**, representing MADD SC (far left), **Senator Joel Lourie**, sponsor of S. 746 & **Jack Dalton** of Life Saver, an Ignition Interlock vendor) They are supported by law enforcement & PPP&S leadership who over see the IID

S.746 (Lourie) Ignition Interlock This Bill amends current Ignition Interlock Law to include DUI, DWAC, Under 21 at the first Offense by mandating an Ignition Interlock Device to be installed on the offenders automobile (s). It offers incentives to choose an Ignition Interlock rather than extended suspension of Driver's License. It adds the installation of a camera to operate upon blowing into the device, tightens the point system and increases penalties for tampering with the device or the camera. *STATUS: Passed the Senate June, 2012....died in the House Criminal Law Sub Committee Chaired by Bruce Bannister. Will be Reintroduced by Senator Lourie in January 2013.*

S.295, the **SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE (Hutto)**. This joint resolution establishes a South Carolina Summer Camp Study Committee to study the summer camps in the state and to recommend legislation, if appropriate, relating to the licensing and regulation of summer camps. The committee must be composed of the following: the Director of the Department of Social Services; the Commissioner of the Department of Health and Environmental Control ; the Director of the South Carolina Law Enforcement Division; one member of the Joint Citizens and Legislative Committee on Children (JCLCC); one member representing the YMCA; one member representing the South Carolina Recreation and Parks Association ; one member representing the South Carolina Afterschool Care Alliance (SCACA); two members appointed by the Speaker of the House of Representatives of which at least one member must be from a religious affiliated group that operates summer camp programs in South Carolina; two members appointed by the President Pro Tempore of the Senate of which at least one member must be from a religious-affiliated group that operates summer camp programs in South Carolina; and one member appointed by the Chairman of the Commission on Higher Education. The study committee must complete and render a written public report detailing its findings and recommendations, to include any recommended legislation, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by January 31, 2012, at which time the study committee must be dissolved. The staffing for the committee must be provided by the South Carolina Department of Social Services. *STATUS: Passed the Senate 3/29/11. Died on House Floor. Should be reintroduced in January 2013*

S.53 CIVIL NO-CONTACT ORDERS Sen. L. Martin

This legislation outlines a procedure for the issuance of emergency and permanent civil no-contact orders under certain circumstances. Circuit court and family court have jurisdiction

over an action seeking a permanent civil no-contact order; a permanent civil no-contact order remains in effect for the life of the complainant. Magistrates court has jurisdiction over an action seeking an emergency civil no-contact order. An emergency civil no-contact order remains in effect until a hearing on a permanent civil no-contact order. *STATUS: Passed the Senate 04/12/11. Died in House Judiciary, Hopefully to be reintroduced January 2013.*

S 1054 By Rose and Ford A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO EXPAND THE DELINEATED LIST OF PERSONS REQUIRED TO REPORT TO INCLUDE SCHOOL EMPLOYEES, COACHES, CAMP COUNSELORS, ANIMAL CONTROL OFFICERS, FIREFIGHTERS, AND OTHER PERSONS WHOSE DUTIES REQUIRE DIRECT CONTACT OR SUPERVISION OF CHILDREN, TO PROVIDE ANY PERSON MUST REPORT SUSPECTED SEXUAL OR PHYSICAL ABUSE OF A CHILD, TO PROVIDE THAT BOARD MEMBERS, CHIEF EXECUTIVE OFFICERS, DIRECTORS AND OTHER HEADS OF ORGANIZATIONS, ADMINISTRATORS, AND SUPERVISORS ARE REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT BY A STAFF MEMBER, TO PROVIDE FOR REPORTING TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES UNDER CERTAIN CIRCUMSTANCES AND TO LAW ENFORCEMENT, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH, OPERATE, AND PUBLICIZE A TWENTY-FOUR HOUR, STATEWIDE, TOLL-FREE TELEPHONE NUMBER FOR THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT; AND TO AMEND SECTION 63-7-410, RELATING TO THE PENALTIES FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT A PERSON MAY NOT BE ADJUDICATED DELINQUENT FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT. *STATUS: Passed the Senate 03/27/12, Died in House from poor drafting.*

S 0859 General Bill, By Rose, Fair and Ford Similar (H 4148) A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44-7-272, 44-7-274, 44-7-276, AND 44-7-278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS TO PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS; THAT REQUIRES A FACILITY TO NOTIFY LAW ENFORCEMENT OF THE ADMISSION OF A CHILD WHO HAS CHARGES FOR A VIOLENT CRIME PENDING OR WHO HAS BEEN CONVICTED OF A VIOLENT CRIME WITHIN THE PREVIOUS FIVE YEARS, TO PROVIDE SANCTIONS FOR FACILITIES IN VIOLATION OF THIS REQUIREMENT, AND TO REQUIRE A CHILD TO REGISTER AS A SEX OFFENDER IF THE PROVISIONS OF REGISTRATION APPLY TO THAT CHILD'S OFFENSE; THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL; AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT. *STATUS: Passed the Senate 02/28/12, Died on House Floor 06/05/12.*

Bills that Passed the House then died in Senate:



H.3130 PROHIBITING MINORS FROM SEXTING Rep. Brady This legislation prohibits minors from sexting. Minors violating these provisions are subject to civil fines and may be ordered to complete an educational program established by the circuit solicitor. The legislation outlines what the educational program must include. Minors that fail to pay the civil fine or complete the educational program may have their driving privileges restricted or delayed. The restriction or delayed issuance of a driver's license for a violation of these provisions must not be used by an insurance company for automobile insurance purposes. *STATUS: Passed the House 03/22/12. Died on the Senate Floor. Hopefully a new bill that has the blessings of prosecutors, crime victims and law enforcement will be introduced in January 2013. Special thanks to Rep. Joan Brady from Richland County for her tenacity in helping to protect our young people.*



H.3308, which enacts "JAIDON'S LAW". This legislation makes **REVISIONS PERTAINING TO THE DEPARTMENT OF SOCIAL SERVICES (DSS) By Rep Forrester** and how the agency and the courts handle certain matters related to a child removed from the custody of his parents. This legislation allows DSS to move before the family court for termination or suspension of visits between the parent or guardian and the child. The family court may order termination or suspension of the visits if ongoing contact between the parent or guardian and the child would be contrary to the best interests of the child. The legislation provides that a court shall order, without possibility of waiver by DSS, that a person's name be entered in the Central Registry of Abuse and Neglect if the court finds that there is a preponderance of evidence that certain abuses occurred or willful or reckless neglect occurred or if a child at birth tested positive for drugs. When the conditions justifying removal include abuse by the parent of controlled substances, this legislation requires the court to include treatment and random drug testing of the parent and certain other adults living in the home as part of the placement plan. This legislation allows DSS to file a petition to terminate parental rights in instances of (1) homicide by child abuse of another child of the parent (or aided, abetted, conspired or solicited to commit homicide by child abuse of another child of the parent), (2) a parent has failed three hair-strand drug tests over a period of nine months, with a minimum of three months between the tests, or (3) if a court of competent jurisdiction has found the parent to be in willful contempt on two occasions over a twelve month period for failure to comply with the terms of the treatment plan or placement plan. This legislation provides if the abuse or neglect led to a child being hospitalized for a period greater than fourteen days, there is a rebuttable presumption that the abuse or neglect was severe and repetitive. Among other things, this legislation allows a court to terminate a parent's parental rights if the parent of the child pleads guilty or no contest or is convicted of murder, voluntary manslaughter, or homicide by child abuse of another child of the parent. Relating to termination of parental rights, the legislation also makes it clear that a diagnosable condition unlikely to change within a reasonable period of time includes prescription medication abuse. *STATUS: Passed House 05/26/11....died in Senate subcommittee chaired by Senator Sheheen.*

H. 3163 General Bill, By Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE. This legislation would have allowed law enforcement to charge DUI of intoxicated moped drivers. *STATUS: Passed the House , received second reading on the Senate Floor 06/06/12...Died for lack of time to clean up poor drafting.*



S.1321 AMENDMENTS TO THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT" Sen. Malloy This legislation makes numerous amendments to the "Omnibus Crime Reduction and Sentencing Reform Act of 2010". *STATUS: Passed the Senate, Passed the House, Placed in Conference Committee, Failed to make it out of Conference Committee because of amendments from the House. Special Thanks to **Senator Gerald Malloy** for refusing to accept the House amendments. Expect to see it reintroduced by S. Malloy in January 2013. Crime Victims supported the Senate version.*

Other Bills of Interest



Rep Todd Rutherford Feb 28, 2012, 12:48 pm

One of the few pleasant photos of Rep. Todd Rutherford

H 4490 General Bill, By Rutherford, Clyburn and Jefferson Similar (S 1407) A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-35-14 SO AS TO PROVIDE THAT A FACILITY CONSIDERING THE ADMITTANCE OF A PERSON AS A RESIDENT OF THE FACILITY SHALL DETERMINE WHETHER THE PERSON IS A REGISTERED SEX OFFENDER BY FOLLOWING CERTAIN PROCEDURES, AND THAT IF THE FACILITY DETERMINES THE PERSON IS A REGISTERED SEX OFFENDER IT MUST PROVIDE CERTAIN NOTICE TO THE OTHER RESIDENTS OF THE FACILITY OR, IF APPLICABLE, THEIR LEGAL GUARDIANS, AND THAT FAILURE TO COMPLY WITH EITHER OF THESE REQUIREMENTS CONSTITUTES A KNOWING AND WILFUL NEGLIGENCE OF THE SAFETY OF THE VULNERABLE ADULTS RESIDING IN THE FACILITY; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS RELATING TO THE PROTECTION OF VULNERABLE ADULTS, SO AS TO INCLUDE A PENALTY FOR A VIOLATION OF THE REQUIREMENTS OF SECTION 43-35-14. *STATUS: Bill failed to get a comprehensive hearing. Hopefully , it will be reintroduced in January. Senate Version by S. Bright died in Medical Affairs Committee.*



S. Larry Martin of Pickens stands at the podium on the SC Senate Floor

CDV Strangulation Bill Killed in Senate Judiciary

S 0744 General Bill, By L. Martin and Ford Similar (H 4272 Crosby)) A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-605, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO IMPEDE THE NORMAL BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON WITHOUT CONSENT BY INTENTIONALLY APPLYING PRESSURE TO THE OTHER PERSON'S THROAT OR NECK OR OBSTRUCTING THE OTHER PERSON'S NOSE OR MOUTH; AND TO AMEND SECTION 16-25-65 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO PROVIDE THAT A PERSON WHO VIOLATES SECTION 16-25-20 (A) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, IS GUILTY OF THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE WHEN THE PERSON COMMITS A VIOLATION OF SECTION 16-3-605. STATUS: Passed Senate Subcommittee chaired by Hutto, Rose, Shoopman. Died in full Senate Judiciary Committee due to a minority report from Senator Gerald Malloy.



Thank You Governor Haley for the VETO on the "Expungement Bill"

H 3127(Rat #0284) General Bill, By Rutherford, G.R. Smith, Clyburn, Weeks, Whipper and R.L. Brown AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-1010 SO AS TO PERMIT A PERSON WHO APPLIES FOR A PARDON FOR CERTAIN OFFENSES TO REQUEST THE BOARD OF PAROLES AND PARDONS RECOMMEND THE EXPUNGEMENT OF CRIMINAL RECORDS, TO ALLOW RETROACTIVE APPLICATION OF THE STATUTE, TO PROVIDE AN EXCEPTION FOR PERSONS PARDONED FOR A VIOLENT CRIME, TO PROVIDE AN APPLICATION FEE, AND TO PROVIDE A PROCEDURE BY WHICH CRIMINAL RECORDS MAY BE EXPUNGED AND A NONPUBLIC RECORD MAINTAINED. *STATUS: This offensive Bill passed both the House and the Senate, was ratified and fortunately was **VETOED by Governor Haley**. Law enforcement and crime victims were able to convince enough House members to sustain the Governor's veto by a vote of 62-49. Special thanks to **Chief Mark Keel**, Chief of SLED, **Kathryn Richardson** of SLED and crime victim individuals and groups for insisting on the veto. **THANK YOU GOVERNOR HALEY!!!!** The contents of the letter to the Governor from SCCVC asking for her veto follows on page16.*

June 8, 2012

The Honorable Governor of South Carolina
Nikki Haley
Governor's Office
SC State House
PO Box 11829
Columbia, SC 29211



Dear Governor,

By this letter, the South Carolina Crime Victims' Council is respectfully requesting that you veto **H. 3127**, known as the expungement Bill, introduced by Rep. Todd Rutherford and others.

First, crime victims are concerned about the Bill from a public safety standpoint; since expunged records will not be available to the public or to law enforcement.

The cost to the Department of Probation, Parole and Pardon Services, SLED & the Solicitors, all of which are already strapped for funds in trying to perform their major functions will be enormous. **No fiscal impact accompanies this Bill.**

Then, crime victims are concerned about plea downs: Frequently convictions are the result of massive pleas downs...CSC of all levels & CDV offenses are pled to ABHAN, Assault & Battery, & simple assault. A person who has received a pardon for a "nonviolent" offense may have been charged with a violent offense...there is no accommodation in the bill to allow for such information to stop an expungement. **This bill does not limit the number of charges an offender can have expunged...a complete criminal record could be eliminated on an individual.**

The only offenses excluded from expungement are felony level violent offenses.

An expunged offender's record would allow an individual to be employed by those entities serving children & vulnerable adults.

Licensing and employment entities use criminal records both in SC and nationwide to determine a person's suitability for employment or volunteer work. The ramifications of public safety are myriad and far reaching.

Also, capable attorneys may successfully argue that at the time of the offense, the individual's crime was not considered a violent offense (changed in 2010 with passage of S.1154).

Over 70% of offenders are recidivist. Several offenders who have been **pardoned** for very serious offenses (child molesters) have reoffended....if they had also successfully had their criminal record expunged, nothing could have been known in order to enhance their sentences. What a horrible thing to foist on an unsuspecting public & the safety of law enforcement.

The Pardon Board has pardoned several thousand individuals not suspecting that expungement would be available to them in the future & certainly crime victims appearing before the Pardon Board had no clue that the record of the person offending them could have the entire offense expunged as though it never existed.

This is a reckless, ill thought out bill that made it through a non caring House, then was somewhat modified in a Senate sub-committee led by Senators Vince Sheheen, Jake Knotts & Campsen. The Bill flew off the Senate floor with no debate and was quickly concurred with by the House with no

debate in the waning hours of Thursday, June 7th, despite the objections of crime victim advocates and law enforcement. The haste in passage of such a far reaching Bill is ludicrous.

Also of grave concern is the vast numbers of Pardons that have been granted over the many years pardons have been available. **Since Calendar year 2007, 2,584 pardons have been granted to Non Violent offenders.** There have been thousands granted in the previous years, averaging **450** annually. ALL OF THESE WILL NOW SEEK EXPUNGEMENTS IF THEY HAVE NOT BEEN ARRESTED IN SC FOR 10 YEARS SINCE THEIR LAST CONVICTION. **The bill does not address convictions in other jurisdictions.**

The burden on PP&PS will be enormous.

Sections (D)(6) and the last sentence of (E) seem to be in conflict with one another.

Money forwarded to SLED **will not begin to cover the** manpower required or the postage required to the applicant or most especially the new data base required in Section (I)(2).

Any objections from prosecutors or law enforcement will require a hearing before the Parole & Pardon Board. What an insult to both entities. The objection of crime victims may be heard, but will not stop the process.

Also, what is a "minor traffic "offense?"

Crime victims and advocates are outraged at the folly of this ill conceived legislation that threatens the entire criminal justice record keeping system that affords so much safety to millions of our citizens and contributes to other national databases.

All non violent offenses would be subject to this expungement process ten years after a pardon has been granted. Only the Felony charges included in 16-1-60 would be excluded, so all the attempted violent offenses could be expunged. Some of the non-violent offenses would be:

- Embezzlement
- DUI
- Many drug charges
- CDV 1st & 2nd
- Malicious Injury to Property
- Resisting Arrest
- Forgery
- Petty Larceny
- ABHAN assault & Battery
- Simple Assault
- Shoplifting
- Receiving Stolen Goods
- Low level Arson
- Unlawful Carrying of a Handgun
- Fraudulent Check Writing
- DUS

to name only a few.

Currently a pardon will allow an individual to obtain a firearm...should this Bill become law, offenses expunged would circumvent current expungement statutes and allow such persons to obtain a firearm.

Please honor our request to veto H.3127.

LEGISLATION & PUBLIC POLICY

LEGISLATION & PUBLIC POLICY

The SC Crime Victims' Council hosts four Public Policy Committees to provide "hands on" experience in dealing with SC statutes, public policy and best practices throughout the criminal justice system. The committees meet in October, November, December.

2011/ 2012 SCCVC PUBLIC POLICY COMMITTEES

The South Carolina Crime Victims' Council maintains Four Public Policy Committees in which any victim/survivor, allied professional; crime victim service provider or any interested citizen may participate by contacting the following:

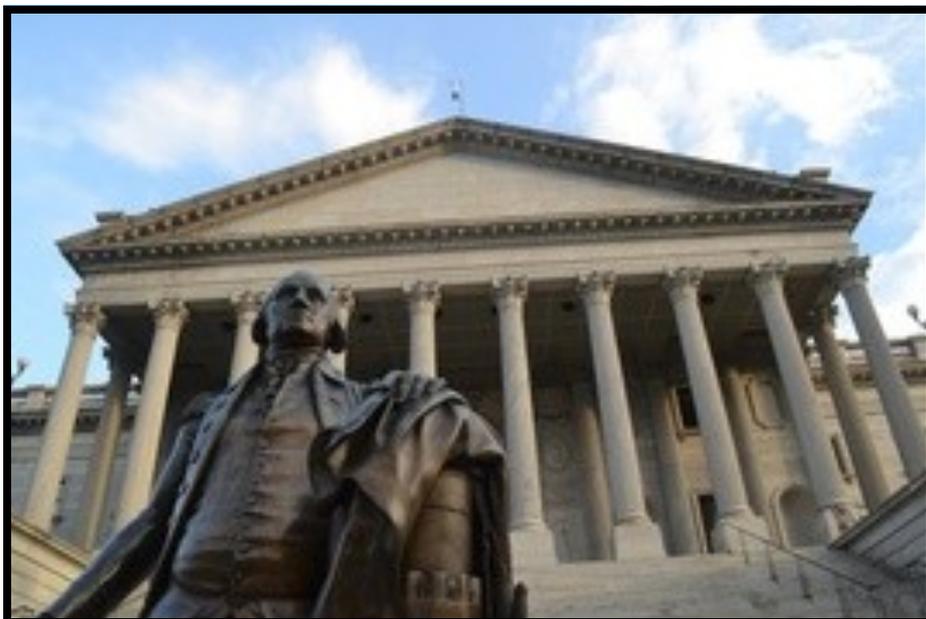
Laura Hudson: General Law Issues / (803) 413-5040 LauraHudson@sccvc.org

Margaret Frierson: Children's Law Issues / mfrierson@bellsouth.net

Bill Mathias: Juvenile Crime Issues / (803) 957-5829 bill25@sc.rr.com

Vickie Bourus: Family Violence & Sexual Assault Issues / vbourus@gmail.com

All committees meet at the call of the chairpersons, usually at the SCCVC offices located at 1900 Broad River Road, Columbia, SC 29210-7047. If you do not wish to join a committee, but would like to express an opinion or a public policy change, please feel free to contact the above chairpersons. If you would like to be included in any communication from SCCVC concerning legislative/ public policy actions please submit your name and contact information to one of the above individuals and you will be added to our contact list.



PEOPLE & EVENTS



Patsy Lightle receives the **Career Achievement Award** from Columbia College flanked by her son William & daughter Kimberly



Patsy Lightle is well known to Crime Victim Advocates, as she has been the recipient of numerous awards for her dedication to crime scene investigation & her service to individual victims of crime. Congratulations Patsy!

PATSY LIGHTLE, JOHNSTON NATIVE, RECEIVES AWARD

Reprinted from the EDGEFIELD ADVERTISER / August 8, 2012

The Columbia College Alumnae Association has announced Patsy Rauton Lightle of Lexington, SC as the 2012 recipient of the Career Achievement Award. Lightle received a B.A. in Biology from Columbia College and later obtained her certificate in medical technology from the American Society of Clinical Pathologists. Lightle also completed post-graduate hours in forensic science at the University of Virginia while she was attending the FBI Academy in Quantico, Virginia. She has served over 33 years on law enforcement, forensic science, child abuse, elder abuse, and vulnerable adult investigations.

Patsy researched, developed and implemented the SC Law Enforcement Division's (SLED) Adult and Child Sexual Assault Evidence Collection Kits in the early 80s, and the kit is now duplicated and used in many other states. She has also handled the operations of two major forensic sections including designing and developing the Forensic DNA laboratory. Patsy also developed and implemented SLED's Vulnerable Adult Abuse Investigations Units.

Currently, Patsy is the major in command of SLED's Special Victims Unit, which investigates suspicious child deaths and vulnerable adult abuse and suspicious deaths. She is a well known lecturer and presenter and is a renowned expert in her field. Patsy's outstanding work has been recognized by the FBI, SLED, and numerous professional societies. In 2006, she was awarded the Order of the Palmetto, our state's highest honor, by Governor Mark Sanford.

Patsy is the daughter of June and William Rauton of Johnston, SC, and the mother of two. Her son William, is a student at USC Honors College and her daughter Kimberly, who is married to Brad Barringer, is a student at the USC School of Medicine Nurse Anesthetist Program.



DAM SWIM FOR DREW Lexington High School's swim team hosted the 14th Annual LHS Dam Swim for Drew, a two-mile open water swim across Lake Murray. The purpose of the swim is to raise awareness of boating and swimming safety in memory of 10-year-old Drew Smith who was killed by a group of boaters drinking on Lake Murray.

Swimmers take it 'one stroke at a time' for Dam Swim for Drew

By Mindy Lucas
mlucas@thestate.com

More than 180 swimmers took to the water Saturday (September 15, 2012) to participate in the 14th annual Dam Swim for Drew while hundreds more gathered on both the Irmo and Lexington sides of the Lake Murray dam to watch.

The popular two-mile, open-water challenge, hosted by the Lexington High School Swim Team, has grown somewhat in recent years, but organizers say the event has never lost sight of its purpose.

"It's nice to know everybody out here today has thought about Drew," said Karen Smith. "You don't ever want your child forgotten."



Karen Smith, mother of Drew Smith who was killed by intoxicated boaters, listens as the participating swimmers are welcomed and given instructions. Lexington High School's swim team hosted the 14th Annual LHS Dam Swim for Drew, a two-mile open water swim across Lake Murray. - Kim Foster-Tobin /kkfoster@thestate.com

Karen Smith is the mother of Joseph Drew Smith. The 11-year-old was killed in 1997 when a

speed boat smashed into the boat Drew and his father were fishing from in a Lake Murray cove.

The boat's driver later pleaded guilty to reckless homicide and other charges.

Randall Smith, who survived the ordeal, and his wife successfully lobbied the State House for tougher boating regulations and penalties statewide, resulting in the 1998 legislation known as "Drew's Law."

With more and more watercraft showing up on Lake Murray and other South Carolina waterways, officials with the Department of Natural Resources say it's more important than ever to make sure people adhere to the law when out on the water just as they would anywhere else.

DNR Capt. Harvin Brock said South Carolina has the nation's fifth-highest number of registered boaters.

Drew's Law, which also provided funding for 30 additional officers, has made a "significant difference" in affecting boaters' behaviors, Brock said.

Before Drew's Law, around 30 people died each year on South Carolina's waterways. In 1973 alone, there were 64 fatalities, Brock said. Since 1998, with the exception of a few years, the fatalities have dropped to the teens.

Another noticeable change is the presence of designated drivers en masse on waterways, he said.

The Smiths said they hope the event will continue to inform people of the dangers that come from mixing alcohol with driving or boating. "One decision you make today could change someone's life forever," Karen Smith told the crowd of mostly young swimmers who had gathered before the swim.

Participants from other schools, such as Dutch Fork and White Knoll also turned out for the race. They were joined by athletes from as far away as Pennsylvania.

One of Lexington High's three swim coaches, Anna Daly, was planning to make the swim with her 12-year-old son, Sam.

She said she and school leaders try to impart a sense of community service in each of their students. In addition to raising awareness of boating safety, funds raised from the event will go toward the community's longstanding effort to build a public pool in Lexington County.

As for last minute words of advice before taking to the water, Daly said she was telling her swimmers that persistence is key.

"When the going gets tough, and you feel like the end is nowhere in sight, take it one stroke at a time and focus on the purpose of the swim," she said.

Reprinted by permission Reach Lucas at (803) 771-8657.

Both Randall & Karen Smith are founding members of the SC Crime Victims' Council and serve on the Governing Board.



Pleased folks stand with award recipients Tammy Besherse and Vickie Bourus at Victims' Rights Week in May. From left to right, they are Laura Hudson ED of SCCVC, Tammy , Howard Bourus (Vickie's proud husband), Veronica Kuntz, ED of SCVAN, **Vickie Bourus who received the Humanitarian Award**, Rebecca Williams of SCCADVASA, and Pam Jacobs far right, ED of SCCADVASA.

May 3, 2012, 1:38 pm



Betty Houbion, **Tammy Besherse**, Laura Hudson & Patricia Ravenhorst pose with Tammy & her award at VRW

VRW AWARDS

Tammy Besherse was nominated by several of her fellow laborers in the Human Trafficking arena for **OUTSTANDING SERVICE TO UNDERSERVED VICTIMS - This award is given to a direct service provider who has gone above and beyond the call of duty to assist formerly underserved crime victims :**

"Ms. Besherse has volunteered her services beyond her regular job requirements to write vital legislation for the "Human Trafficking" Bills, H.3557 & S.1135. Her knowledge and expertise in this subject and in all crime victim issues has been a key element in perfecting the language in the Bills to ensure their favorable review by the General Assembly. She has spent her valuable time in writing, collaborating, & testifying to the merits of this new law. Her amiable nature and sharp legal mind has been admired and appreciated by all of the team seeking justice."



Tammy works on Human Trafficking Legislation tied to her computer. She "herded cats" to add in all of the suggestions and additions being proposed + merging all of the old statutes with the new proposals



Tammy Besherse shares a lunch with Mike Pinilla of SCVAN awaiting her surprise award for "Outstanding Service to Underserved Victims". Mike also deserves thanks from human trafficking victims for his part in making the legislation successful



Children's Advocacy Day Ceremony held at State House

S.C. Attorney General Alan Wilson said the numbers of children abused in South Carolina are too high and he intends to make the issue a priority in his office.

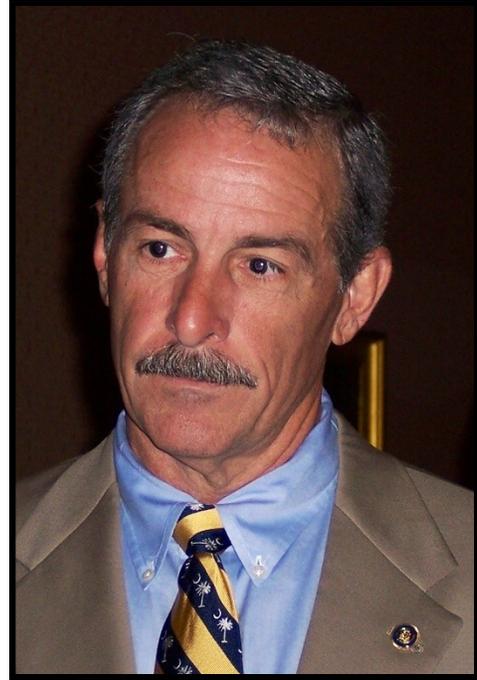
Nearly 7,000 S.C. children were served in 2011 by a children's advocacy center because they were victims of physical or sexual abuse, Wilson said.

Wilson and other children's advocates vowed to pressure police, prosecutors and judges to take a tougher stance in punishing child abusers. They also asked the general public to keep their eyes open for warning signs of abuse.

"Everyone has a role in this battle," said **Kim Hamm of the S.C. Network of Children's Advocacy Centers** (Holding the Proclamation with The Honorable Alan Wilson)



Bryan Stirling has a new position!
As of October 15, 2012 Bryan is
Chief of Staff for Governor Nikki Haley.
Congratulations Bryan!



SLED Chief Mark A. Keel

State Law Enforcement Division Chief, Mark A. Keel has announced that SLED is establishing a Victim /Witness Advocacy Program.



Lt. Michael Greene,
SLED Victim/Witness
Advocate Program
Coordinator

Chief Keel has named **Lt. Michael Green** as the Victim /Witness Advocate Program Coordinator for the agency. SLED will assign an agent in each of the state's four SLED regions to provide services in cases where SLED assumes responsibility for victim/witness assistance because of the nature of the case being investigated or because of a conflict by the local agency.

In addition, SLED's Missing Person Coordinator, Sex Offender Registry Coordinator, and a bilingual agent with extensive gang investigative experience will work with these regional agents to coordinate victim/witness assistance. Agents and support staff are attending training this fall to become certified as victims witness advocates.

It is the policy of SLED to ensure that victims and witnesses receive professional services consistent with their important place and role in criminal cases. In accord with its mission, SLED will assist other law enforcement agencies in victim/witness assistance matters, as appropriate, but does not perform activities that would interfere with local victim/witness assistance efforts.

Chief Keel and SLED staff are working closely with the **South Carolina Crime Victim's Council** to implement this program and are committed to enhance services for victims and witnesses of crime throughout the state of South Carolina.

HOW TO JOIN THE SOUTH CAROLINA CRIME VICTIMS' COUNCIL

Membership is open to crime victim/survivors of all types of crime, crime victim service providers, professionals in allied fields, and all citizens with an interest in safety and the criminal justice system.

Name: _____
Profession: _____
Address: _____

Telephone #: _____ E Mail: _____
Web Site: _____ Victim/Survivor: Yes ___ No ___
Nature of Crime: _____

Fill out the above information /email the information to
laurahudson@SCCVC.org or fill out the form provided at WWW.SCCVC.ORG
Membership entitles you to continued receipt of "The Voice" and updates on all public policy activities,
fund raisers & bulletins

"The Voice" is produced by the SC Crime Victims' Council,
a 501 C 3 non-profit corporation

Editor: Laura Hudson

No State or Federal Dollars are used in the production of
any portion of this newsletter
All contributions are tax deductible

Contributing authors, Letters to the Editor, Op-ed articles are accepted upon review of the Governing Council. No profanity or coarse language will be accepted.

Those desiring to contribute should consult the web site for deadlines. This edition is the summer of 2012, the next publication will be Summer of 2013 with an expected publication date of September 30, 2013

All materials should be submitted in an electronic format to
LauraHudson@SCCVC.org

