

# "The Voice"



## A Publication of the South Carolina Crime Victims' Council

### Summer 2011 Volume V

This year is a milestone for the loss of several crime victim advocates who have led our state in being the nationally recognized entity it is in the United States. The National Center for Missing & Exploited Children has closed the South Carolina Branch and as a result both **Margaret Frierson** and **Charlotte Foster** are no longer employed there. **Vickie Bourus**, Executive Director of the SC Coalition of Domestic Violence and Sexual Assault (SCCADVASA) has retired and joined her husband in their retirement home in Georgetown. I am assured by all parties that they all will remain active in the crime victim service arena. They have served with great distinction and terrific energy, enhancing the lives of all they served. Equally important, they have been faithful fellow laborers, enhancing the lives of all of those that serve crime victims throughout the nation and our state. Their collective wisdom and expertise should be sought by all of us and friendships maintained. Other changes in leadership for criminal justice entities opens exciting opportunities for crime victims: New SLED Chief, **Mark Keel**; new Director for DOC, **Judge Byars** (who is doing very well and expects to return to duty October 1); new Director for PP&PS, **Kela Thomas** and new Director of the DJJ, **Margaret Barber**.

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# PEOPLE



**Patricia Ravenhorst** and **Betty Houbion** work on revising the Human trafficking Bill, H. 3757, for January of 2012. The Bill is in the House Judiciary. A committee has been meeting to iron out the details. **Tammy Beshers** at SC Justice has been acting as hostess and attorney.



**Sharon Fennell** does multi tasking better than anyone at the state house. Here she fields the massive amount of telephone calls, including answering two cell phones, e mails & computer updates flowing into **Senator Mike Fair's** office. She is constantly helping constituents find solutions to their problems, keeping the Senator on schedule, directing the pages, and smiling all the time. She never loses her "cool" ,or a least where anybody notices, and always has a soft heart for children. Sharon use to work at DSS and still knows how to connect the dots through the maze of bureaucracy.



**Samiyah Jordan**, center, receives a donated car on April 21, 2011 at the **SC Foster Parent Association** annual training conference in Greenville. Her birth mother, on the left, holds her beaming daughter's hand. **Brian Marion**, on the right, coordinator of the event looks on with pride. Any one wishing to donate an automobile to a foster child, who have no other means of acquiring one, should contact Brian Marion at [bcoolmarion@gmail.com](mailto:bcoolmarion@gmail.com). The organization is non profit and you will receive a tax deduction for the value of the car.



# ADVOCATE

## EXTRAORDINAIRE

### Margaret Frierson

*"Who is that tiny little girl sitting on the experts' panel looking like she is 12 years old?"*

Margaret began her career as a victim advocate after becoming a crime victim herself in 1987. Margaret was employed as a bank manager in Lexington, SC when Drew Mills Dobson, a former Beaufort County businessman robbed the C&S bank. The thief was dubbed the "Gentleman Bandit" because of his politeness, good manners and dress. The suspect wore a suit and a tie into the banks and once telephoned a bank employee who fell over in a chair to which she was tied and asked if she was all right the day after the robbery. Dobson was convicted in August of 1988 of robbing three South Carolina banks of \$177,000 over a five year period...he is still incarcerated.

The Victim Advocate that worked for the US Attorney's office in Columbia made such an impression of Margaret that she decided that that was what she wanted to do with her life.

Beth Yarbrough, who was on the Board of the South Carolina Adam Walsh Child Resource Center, gave Margaret that opportunity. "The Telephone Pioneers", a volunteer organization of employees of the Southern Bell Corporation, raised the money to form the Adam Walsh Center in 1988, and Margaret became the Executive Director. In 1990, at the request of John and Reve Walsh, the Adam Walsh Child Resource Centers and the National Center for Missing

**“God puts you  
in the places  
you need to  
be”**

*Margaret Frierson*

& Exploited Children merged, and the SC office became a branch of the National Center for Missing & Exploited Children (NCMEC/SC).

Margaret had her first national case of a missing child in December of 1988 when Jeannie McCrea (15) disappeared and was found murdered in Newberry County in a creek bed at the hands of Richard Daniel "Danny" Starrett. Starrett was a man authorities in two states suspected a being a serial sex offender. Jeannie was missing for 2 months before she was found. In February 1989, 17 year-old Shari Teets was abducted from her Lexington County home. *Shari's mother, Bella, had been a customer of Margaret's when she had been the manager at the bank in Lexington.* Margaret spent the ago-

nizing four days with the Teets family during the search for Shari and knew God had put her there. Starrett was captured after Shari miraculously escaped, and is currently serving a life sentence.

Margaret Frierson and her Assistant Director, Charlotte Foster, have worked thousands of missing child cases over the span of their twenty plus years of working at the Center. Charlotte, who has a penchant for creativity and motivating officers served as the liaison between **federal, state, and local law enforcement, and the families in need of assistance.** Charlotte's tenacity and unwavering commitment to the children and families we served was truly an inspiration for Margaret. Since opening its doors in 1988, NCMEC/SC played a direct role in the recovery of more than 1500 missing children.

In 1990, Margaret and her team took M/CAP (Missing and Exploited Children Comprehensive Action Program) to counties throughout S.C to help them establish multi-disciplinary teams to **address children's issues. The program brought all facets of the system together including** county and municipal law enforcement; DSS, DJJ, GAL, local schools, and nonprofits. Each county received 40 hours of training regarding missing and exploited children, and received additional course instruction as needs were identified.

Beginning in 2000, NCMEC/SC offered educational resources to local and county law enforcement on such issues as non-family abduction, family abduction and the runaway child; NCMEC continued to receive requests for these resources until their closure this year. A unit on Custodial Interference was taught at the SC Criminal Justice Academy for many years during this time as well.

**In 2003, the Center partnered with the Attorney General's Office in providing resources to law enforcement and prosecutors addressing Internet Crimes against Children.** This partnership continued until their Branch closure.

Also, throughout Margaret's tenure at the Center, educational resources were offered to victim advocates across the state dealing with missing and exploited children, child victims in court, and victims in the media. This too continued until their closure this year.

In recent years, NCMEC/SC partnered with the SC Foster Care Review Board, DSS, and the Guardian Ad Litem program in offering training resources for staff and Foster Parents addressing children missing from state custody/care.

### **AMBER ALERT**

In 1993, at the request of then State Representative Lindsey Graham, the State of South Carolina, in cooperation with the law enforcement community and South Carolina Broadcasters, developed and initiated a statewide emergency broadcast/alert system ("Operation Child Alert") for missing/abducted children in South Carolina. The protocol for this system was developed by the South Carolina Sheriffs' Association, and was designed to be activated by the South Carolina Law Enforcement Division (SLED) upon request of the chiefs and sheriffs when a child was the victim of a kidnapping. In 2002, the South Carolina system was reviewed and substantially enhanced to include many of the criteria outlined in the AMBER Alert. Once the AMBER Alert program was launched in SC, SLED developed a one hour training course for law enforcement to gain the necessary knowledge for activating an AMBER Alert. NCMEC/SC partnered with SLED in this initiative and presented jointly with them about the resources of NCMEC. Margaret helped spearhead the Amber Alert Program in SC and became its most fervent spokesperson.

### **CRITERIA**

- The law enforcement agency believes that the child has been abducted: taken from their environment unlawfully, without authority of law, and without permission from the child's parent or legal guardian.
- The child is 17 years old or younger, and the law enforcement agency believes the child is in immediate danger of serious bodily harm or death; or if the individual is 18 years old or older, and the law enforcement agency believes the individual is at greater risk for immediate danger of serious bodily harm or death because the individual possesses a proven physical or mental disability.
- All other possibilities for the victim's disappearance have been reasonably excluded.
- There is sufficient information available to disseminate to the public that could assist in locating the victim, suspect, or vehicle used in the abduction.
- The child's name and other critical data have been entered into NCIC.

*Margaret Frierson has spent many years saving children's lives and making our state a safer place for them to live. She has been a driving force in making the Amber Alert Program a reality and an effective tool to rescue abducted youngsters. As SLED Chief I participated in numerous conference calls at all hours of the day and night in which Margaret always contributed to the sensitive decisions required to be made in the best interests of young people. She will be greatly missed.*

Chief Robert Stewart

Margaret Frierson and her able Assistant Director, Charlotte Foster have never been content to **just** help find missing children, but have been active in improving public policy both in South Carolina and nationally. As a board member of the SC Victim Assistance Network and as the **Chairperson of the Children’s Issues Public Policy Committee of the SC Crime Victims’ Council**, Margaret has been integrally involved in many pieces of legislation and public policy initiatives at the SC General Assembly: The Sex Offender Registry, Sexual Predator Law, Custodial Interference Law, Criminal Sexual Conduct in the Third Degree prohibiting sexual conduct with students by school employees, The Uniform Child Custody Jurisdiction and Enforcement Act of 2007, The Uniform Interstate Family Support Act of 2007, Anti

***"Margaret's passion for protecting our children is second to none. Her commitment to assisting law enforcement in our efforts has contributed to our successes. Many children are safer because of Margaret Frierson."***

Sheriff Leon Lott  
Sheriff of Richland County

“Shaking Baby” Education Act, Prohibition of Sex Offender Residency, Joint Citizen and Legislative Committee on Children, Kendra’s Law, HIV Federal Compliance and many others.

### **AWARDS**

A tireless advocate for all crime victims, Margaret has been revered by many. In 1992 she received her alma mater’s “Outstanding Young Alumna of the Year Award” from the College of Charleston. In 1995, the Center received the “Silver Scales of Justice Award” from SCVAN for its’ outstanding service and response to the Susan Smith case in Union County. In 2006, former SLED Chief, Robert Stewart, recognized Margaret as a “Distinguished Associate” for her service and assistance in promoting SLED’s mission and the SC AMBER Alert program. Margaret has always been the calm professional in every crisis into which she has been thrust. Victim Advocates throughout the state have become dependent on her for consultation and relied on her prompt action.

Although the National Missing & Exploited Children’s Branch in SC has been defunded, Margaret remains involved in Victim Issues by serving on the Board of

SCVAN, the State Child Fatality Review Committee alternate, the chairperson of SC Crime Victims’ Council Children’s Issues Public Policy Committee, and the Department of Probation, Parole and Pardon Services Victim Advisory Board.

Margaret and her banker husband Gregg, reside in Orangeburg with their two children.



Margaret Frierson with John Walsh (Founder of the Adam Walsh Child Resource Center) in 1989 on the set of "America's Most Wanted"



Margaret Frierson, Laura Hudson & Representative "Chip" Limehouse at Media Event in Front of State House in 1993



VRW Celebration of 1991: Charlotte Foster, Jay Howell (crime victim attorney from Florida), Margaret Frierson & Laura Hudson

Margaret Frierson accepting the "Silver Scales of Justice" in 1995 from SCVAN. Standing with her are SC Missing & Exploited Board members and Patty Wetterling.



Posing at the Safety Fair with Sheriff Leon Lott, Sheriff of Richland County

Margaret Frierson with former Attorney General Henry McMaster, a strong supporter of eliminating our state of computer crimes against children





**Senators Luke Rankin & John Land congratulate Vicki Bourus on her retirement from SCCADVASA in June of this year!**



**Vicki Bourus stands with her much deserved Senate Resolution in hand with her husband Howard, Senator Jake Knotts and Attorney General Alan Wilson (left to right).**

**A SENATE RESOLUTION**

**TO HONOR VICKI BOURUS UPON HER RETIREMENT AS DIRECTOR OF THE SOUTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT.**

Whereas, Vicki Bourus will retire at the end of June 2011 after twelve years as Director of the South Carolina Coalition Against Domestic Violence and Sexual Assault; and

Whereas, an unrelenting advocate against domestic violence, Vicki grew through the national women's movement to become an effective advocate for Palmetto State women and the face of domestic violence victims; and

Whereas, with a bachelor's degree from the University of Georgia and a master's degree in social work from the University of South Carolina, she has worked extensively with victims of domestic violence, sexual assault, and child abuse as a licensed social worker; and

Whereas, since 1986, Ms. Bourus has been providing services and advocating for victims of



domestic violence and sexual assault and has provided law enforcement officers, medical and legal professionals, and social workers with consultation and training in the identification, assessment, and treatment of victims of both sexual and domestic violence and other related issues; and

Whereas, her work with the S.C. Coalition Against Domestic Violence and Sexual Assault included coordinating resources and lobbying for laws of particular concern to women. The coalition works with twenty-three organizations and provides training concerning violence against women; and

Whereas, the number of shelters for battered women and children rose from 12 to 19 during the years Vicki led the coalition; and

Whereas, she is an invaluable asset to South Carolina and has had a dramatic impact on thousands of lives; and

Whereas, the South Carolina Senate wishes to thank Vicki Bourus for her dedicated and hard work with the Criminal Domestic Violence Study Committee and the South Carolina Legislature to raise awareness of domestic violence in South Carolina; and

Whereas, it is proper for the members of the Senate to pause in their deliberations to remember the contributions of Vicki Bourus, as hope for battered women and children in South Carolina is better because of her efforts. Now, therefore,

Be it resolved by the Senate:

That the members of the Senate, by this resolution, honor Vicki Bourus upon her retirement as Director of the South Carolina Coalition Against Domestic Violence and Sexual Assault.

Be it further resolved that a copy of this resolution be forwarded to Vicki Bourus.

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Vicki Bourus and her "gang" at SCCADVASA pose at the state house to say good bye to a great leader.



**Vicki** poses with **Bryan Stirling** of the AG's office, a faithful Partner in CDV policy

Vicki Bourus will be missed by all of us in crime victim services. She received accolades from many at her going away party including former Attorney General Henry McMaster, current Attorney General Alan Wilson, and many from the House and Senate; but no one will miss her as much as this author. Vicki suffered and triumphed through a lot of public policy issues for domestic violence victims and programs. She was definitely the "sweet one" as Vicki & Laura Hudson played good cop, bad cop at the General Assembly. No one has as deep a compassion for woman and children in this state as Vicki, no one has been as faithfully energetic in her efforts to change the plight of women in this state, and no one has been a better friend. For the past 12 years she has been the voice for domestic violence victims. Her efforts to educate the clergy and faith community has been one of her outstanding achievements

over the years. She has promised to stay involved as much as her beloved Howard will share her...it would be a great tragedy indeed for her knowledge to be taken from our state.



## **Pamela Jacobs**

As new Executive Director of SCCADVASA, Pam comes to SC from Kansas, where she served as the Immigration and Outreach Project Attorney for the Kansas Coalition Against Sexual And Domestic Violence.

Pam is dedicated to continuing the fight for improved laws and public policy that both support survivors and hold offenders accountable.

Pam received her Juris Doctorate from Washburn University School of Law in Kansas. She is a wife and mother.

Welcome to South Carolina!

## **NEW LEADERTSHIP AT THE SC COMMISSION ON PROSECUTION**

**David M. Ross** received his B.S. degree from the University of South Carolina in 1988 and his J.D. from the University of South Carolina School of Law in 1991. Upon graduation from law school, he clerked for the now retired Circuit Court Judge H. Dean Hall in Anderson, South Carolina. After his clerkship, Mr. Ross joined the Tenth Circuit Solicitor's Office as an Assistant Solicitor in Oconee and Anderson Counties for ten years. He also worked in the Thirteenth Circuit as an Assistant Solicitor for one year. Mr. Ross worked in the Fifth Circuit for 6 years where he served as Assistant Solicitor, 1<sup>st</sup> Assistant Solicitor and Deputy Solicitor until becoming the **Executive Director of the S.C. Commission on Prosecution Coordination on January 4, 2011.**





Members of **MADD SC** met with Mark Keel, then the Director of DPS, at the Annual Traffic Enforcement Awards Luncheon at Seawell's across from the Fair Grounds. From left to right, **Laura Hudson**, Public Policy Vice president; **Donna Carter** of Darlington County; **Margaret Brackett & Jolene Lander** of Newberry.



**Terecia Wilson**, President of the MADD SC Operations Council conducts a state wide meeting



**Bryan Doleshel**, Director of Field Relations MADD National, works on the SC Budget

New SLED Chief, **Mark Keel**, is welcomed by SLED agents. One of their own, Chief Keel served for 29 years with SLED. He has extensive law enforcement background with the Denmark police, Barnwell police and Orangeburg County Sheriff's Office before entering SLED in 1979. At SLED he served as Interim director and chief of staff at SLED, captain of tactical operations, supervisor of the agency's aviation unit, SWAT team; held positions on SLED's narcotics and intelligence units; and assessor for the Commission on Accreditation for Law Enforcement Agencies. Most recently he was the Director of the Department of Public Safety. Keel said he "could not be prouder" of accomplishments at the Public Safety Department and its talented and hardworking public servants. Still, he said he is ready to return to SLED. "I committed to the sheriffs and the chiefs of this state and to the entire law enforcement community that I am going to work with you," Keel said. "I am going to be available to you. I am going to do my very best to see that SLED serves you and assists you in everything that you ask us to do."



**Col. Nick Moore of SCHP, DPS Transportation Police Chief Zack Wise, Former SLED Chief Robert Stewart, Senator Robert Ford, congratulate new SLED Chief Mark Keel.**



**Kela Thomas** was sworn in as the 10th Director of PPP by **Gov. Nikki Haley** recently at the Andrew Hugine Suites State Room on the campus of South Carolina State University. Surrounded by her family, (From left) Josephine Evans (mother); Director Thomas; Darrin Thomas (husband); sons Todd and Garrison and **Governor Nikki Haley**

### **INTERSTATE COMPACT for ADULT OFFENDER SUPERVISION (ICAOS)**

The Interstate Compact for Adult offender Supervision is a vital part of the SC Department of Probation, Parole & Pardon Services. Crime Victim service Providers need to be aware of the functions of the division in order to better serve those crime victims whose offenders are on probation or parole in other states. The new Director, Kela Thomas, met with the new SC Council June 13, 2011 and provided training to the new members and presented the 2011 Proposals to create / amend ICAOS Rules. Crime victims are represented on both the national committee as well as within each state. **Pat Tuthill** is a national representative and **Laura Hudson** is the South Carolina Representative. State Representative **Mia Butler Garrick** (former Director of SOVA) also serves on the SC committee. This past fall the national committee reviewed the new rule proposals and under the leadership of Ms. Tuthill, reviewed all proposals as to victim rights and involvement. There will be a public hearing on the new proposals September 12-14 in **Montgomery, Alabama**. **Be assured that crime victim's opinions** are being heard. Special attention is being given to sex offenders. Crime victim advocates have asked for the reworking of some of the new proposals that are public safety risks. Stay tuned for changes and a final report. Individuals or groups wanting more information may contact [LauraHudson@SCCVC.org](mailto:LauraHudson@SCCVC.org).

The Interstate Compact for Adult Offender Supervision (ICAOS) is a reciprocal agreement permitting the transfer of adult offender cases between member states under certain conditions.

Supervision of offenders in the community who meet specific eligibility criteria, may be transferred to another state under the ICAOS. **The Compact is operated within the Field Operations Division's Interstate Compact Services Office.** That office is responsible for coordinating and communicating the required information and documentation required under the rules of the ICAOS and to insure that the Department is in compliance with the ICAOS.

The purpose of the ICAOS is to:

- Track offenders subject to supervision under this compact
- Transfer supervision authority in an orderly and efficient manner
- Provide a means to return offenders to the originating jurisdictions when necessary
- Give timely notice to victims of offender location under this compact
- Distribute the costs, benefits, and obligations of this compact equitably among participating states
- Monitor compliance with rules established under this compact
- Coordinate training and education of officials involved in this activity regarding regulations relating to the interstate movement of offenders
- Establish a system of uniform data collection and allow access to information by authorized criminal justice officials

Disclosing Information to the Public

- Information gathered and retained may be disclosed to a member of the public only if the information is defined by law to be public record and is not exempt from disclosure by law.
- ICAOS will not confirm the existence or nonexistence of information is disclosed to a member of the public.

Disclosing Information to the Individual about whom Information has been Gathered

- The Interstate Compact Offender Tracking System (ICOTS) is a web based system utilized by all ICAOS member states to initiate, maintain, and monitor cases of offenders who transfer supervision over state lines.
- Upon satisfactory verification of his or her identity and subject to the conditions specified in below, an individual is entitled to know the existence of and to review the information about himself or herself that has been gathered and retained by ICOTS. The individual may obtain a copy of the information for the purpose of challenging the accuracy or **completeness of the information. A participation agency's response to the request for information will be made within a reasonable time and in a form that is readily intelligible to the individual.**
- The existence, content and source of the information will not be made available to an individual when:
- Disclosure would interfere with, compromise, or delay an ongoing investigation or prosecution;
- Disclosure would endanger the health or safety of an individual, organization or community;
- The information is considered criminal intelligence;
- The information is considered to be victim sensitive.

Additional Information:

You may obtain additional information by accessing the website of the Interstate Commission for Adult Offender Supervision at [www.interstatecompact.org](http://www.interstatecompact.org) or by contacting the PPP Interstate Compact Office at 803-734-9325 or via email at [interstatecompact@ppp.state.sc.us](mailto:interstatecompact@ppp.state.sc.us)

# 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 at the call of the individual chairs to discuss issues in the following areas:

## 2011 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:

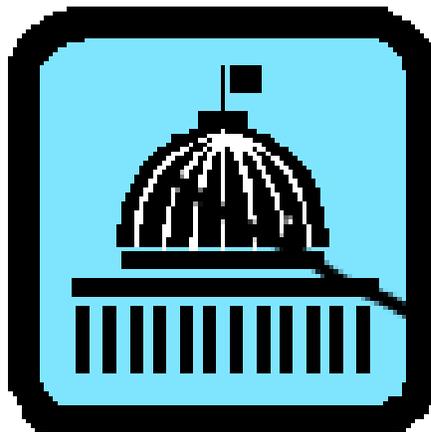
**Laura Hudson: General Law Issues** / (803) 413-5040 [LauraHudson@sccvc.org](mailto:LauraHudson@sccvc.org)

**Margaret Frierson: Children's Law Issues** / [mfrierson@bellsouth.net](mailto:mfrierson@bellsouth.net)

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

**Vickie Bourus: Family Violence & Sexual Assault Issues** / No contact info at the present

***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.***



## NEW PROVISO GOVERNING CRIME VICTIM MONEY

**89.61.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court **has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds** or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an **audit** which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. **The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expenditure.** Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their



budget for the expenditure of these funds to the State Office of Victim Assistance **within thirty days of the budget's approval by the governing body of the entity or nonprofit organization.** Failure to comply with this provision shall cause the State Office of Victim Assistance to **initiate a programmatic review and a financial audit of the entity's or nonprofit organization's** expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving

victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

## 2011 Legislative Actions of Interest to Crime Victims

### **LEGISLATION THAT BECAME LAW**

**S.20** The General Assembly approved and the Governor has signed into law **S.20**, legislation revising the state's **ILLEGAL IMMIGRATION** provisions. Highlights of the legislation include the following.

#### ***Failure to Carry a Certificate of Alien Registration***

This legislation requires a person eighteen or older to carry any alien registration documentation he is issued pursuant to federal law while the person is in this State. A violation is a misdemeanor.

#### ***Law Enforcement Authorization to Determine Immigration Status***

This legislation allows a law enforcement officer who lawfully stops, detains, investigates, or arrests a person for a criminal offense to make a reasonable effort to determine whether that person is lawfully present in the United States, if during that time the officer has reasonable suspicion to believe that the person is unlawfully present. The officer shall make these efforts during the stop or arrest, unless doing so would hinder the investigation. The legislation provides an exception to these provisions for school resource officers.

**If the person presents a driver's license or picture identification issued by the South Carolina Department of Motor Vehicles or another state; a picture identification issued by the United States; or a tribal picture identification, or if the officer is able to verify that the person has been issued one of these documents, he is presumed to be lawfully present in the country. If the person meets the presumption, the officer may not further stop, detain, investigate, or arrest the person based solely on the person's lawful presence in the United States.**

**If this presumption is not met, the officer shall make a reasonable effort to verify the person's presence in the country by one of the following methods: contacting the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety; submitting an Immigration Alien Query through the International Justice and Public Safety Network; contacting the United States Immigration and Customs Enforcement's Law Enforcement Support Network; or contacting the United States Immigration and Customs Enforcement's local field office.**

The officer shall stop, detain, or investigate the person only for a reasonable amount of time **as allowed by law. If the officer cannot verify the person's lawful presence in the United States** by one of the methods described above, the officer may not further stop, detain, investigate, or arrest the person based solely on his lawful presence in the United States. If the officer determines that the person is unlawfully present in the United States, he shall determine in cooperation with the appropriate entity whether he shall retain custody of the person for the underlying criminal offense, or whether the Illegal Immigration Enforcement Unit within the Department of Public Safety or the United States Immigration and Customs Enforcement shall assume custody.

**A law enforcement officer may not attempt to make an independent judgment of a person's lawful presence in the United States.**

Any time a motor vehicle is stopped by a law enforcement officer without a citation being issued or an arrest being made and the officer contacts the Illegal Immigration Unit within the Department of Public Safety, the officer who initiated the stop must complete a data collection form. This form must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle.

#### ***False Identifications***

The legislation provides that it is unlawful for a person to display, cause or permit to be displayed, or have in the person's possession a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of the person's lawful presence in the United States. A first offense is a misdemeanor; a second or subsequent offense is a felony.

This legislation provides that it is a felony for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States.

### ***Harboring and Transporting Illegal Aliens***

This legislation expands the current offenses relating to harboring and transporting an illegal alien with intent to further that person's illegal entry into the United States or avoiding apprehension or detection of that person's illegal status by authorities. This legislation provides it is a felony for an illegal alien to allow himself to be transported within the State or to solicit or conspire to be transported within the State. The legislation further provides that it is a felony for an illegal alien to conceal himself from detection or to solicit or conspire to conceal himself from detection.

### ***Illegal Immigration Enforcement Unit***

The legislation establishes the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety. The enforcement of immigration laws is the only responsibility of the unit. The unit is under the administrative direction of the department's director, and the director is required to negotiate a memorandum of agreement with the United States Immigration and Customs Enforcement. The department shall develop an illegal immigration enforcement training program to assist local law enforcement agencies. The unit must be funded annually by a specific appropriation to the unit in the State's general appropriation's act, separate and distinct from the department's other appropriations. The legislation provides that the unit is established upon receiving funding and authorization to enforce federal immigration law. This legislation repeals a statute relating to the State Law Enforcement Division negotiating a memorandum of understanding with federal authorities regarding the enforcement of immigration laws.

### ***Transport of Prisoners to Federal Facility or Custody***

This legislation allows a jail keeper to securely transport a prisoner who is an illegal alien to a federal facility in this State or to any other point of transfer into federal custody that is outside the jail keeper's jurisdiction. Judicial authorization must be obtained before transporting a prisoner to a point of transfer that is outside of this State.

If a prisoner who is an illegal alien completes the prisoner's sentence of incarceration, the jail keeper shall notify the United States Department of Homeland Security and shall securely transport the prisoner to a federal facility in this State or to any other point of transfer into federal custody. Judicial authorization must be obtained before transporting a prisoner to a point of transfer that is outside of this State.

### ***Civil Actions to Enforce Laws Relating to Immigration***

This legislation allows a resident of a political subdivision to bring a civil action to enjoin any action taken intentionally by the political subdivision in violation of immigration laws.

### ***Employment***

This legislation requires public and private employers to utilize the federal work authorization program, E-Verify, to verify the employment authorization of all new employees. The legislation deletes current provisions which allow the use of alternative forms of identification other than E-Verify.

For private employers, the legislation reduces the time frame to obtain verification of the work authorization of a new employee from five days to three days. A private employer who does not

**comply with these requirements violates the private employer's licenses.**

If a private employer is a contractor, this legislation requires the private employer to maintain the phone numbers of all subcontractors and sub-subcontractors performing services for the private employer. This information must be provided to the director of the South Carolina Department of Labor, Licensing and Regulation (LLR) pursuant to an audit or investigation within **seventy-two hours of the director's request.**

This legislation provides that a private employer who knowingly or intentionally employs an **unauthorized alien violates the private employer's licenses.**

In compliance with the recent United States Supreme Court decision, this legislation deletes provisions allowing civil penalties against private employers for immigration violations.

The legislation revises penalties for violations of the statute requiring registration and participation in E-Verify. The legislation provides for staggered penalties. Among other things, administrative penalties for violations include probation, termination of an employee whose work **authorization was not verified, and suspension of the private employer's licenses for varying** periods of time. Also, the legislation requires the director of LLR to notify federal, state, and local law enforcement officials of any suspected unauthorized aliens employed by the private employer. Additionally, in certain circumstances this legislation allows a private employer with one violation of this statute to have his name removed from the LLR website six months after publication.

The legislation revises penalties for violations of the statute which prohibits the intentional employment of unauthorized aliens. Among other things, the legislation provides that during periods of suspension, the private employer may not engage in business, open to the public, employ an employee, or otherwise operate.

In taking any disciplinary action for a violation of the statute requiring registration and participation in E-Verify or the statute which prohibits the intentional employment of unauthorized aliens, the legislations adds to the list of factors to be considered, the degree of the violation and the good faith of the private employer.

**If a private employer continues to engage in business after the private employer's licenses** have been revoked, this legislation requires LLR to seek an injunction from the Administrative Law Court to enjoin the private employer from continuing to operate.

This legislation requires LLR to notify the applicable licensing agency or political subdivision if **LLR determines that a private employer's license must be suspended or revoked. The applicable agency or political subdivision must immediately suspend or revoke the private employer's** license.

This legislation provides that a license suspension or revocation does not constitute a dissolution, liquidation, or a winding down process, or a transfer or other taxable event for tax purposes, and does not affect protections against personal liability provided in Title 33. ***Having passed by the Senate and the House, the Governor signed the bill into law June, 27, 2011.***

**H.3375** establishes **caps for punitive damages** awarded in civil lawsuits. The legislation provides that an award of punitive damages may not exceed the greater of \$500,000 or three times the amount of compensatory damages, which address actual costs sustained by the plaintiff such as lost wages and medical expenses. In instances where the wrongful conduct is motivated primarily by unreasonable financial gain or could subject the defendant to a felony conviction, punitive damages are capped at \$2 million or four times the amount of compensatory damages, whichever is greater. No cap is placed on punitive damages in situations involving intentional harm, intoxication, or conviction of a felony criminal charge in the course of

conduct that gives rise to the damages. The legislation provides that a claim for punitive damages must be specifically requested when they are sought. The plaintiff may only plead that punitive damages are sought and may not plead a specific amount of punitive damages. The legislation provides for a bifurcated trial format for actions tried before a jury involving punitive damages. In the first stage of a bifurcated trial, the jury shall determine liability for compensatory damages and the amount of compensatory or nominal damages. If compensatory or nominal damages have been awarded in the first stage of the trial and if the plaintiff proves by **clear and convincing evidence that his harm was the result of the defendant's willful, wanton, or reckless conduct**, then the same jury shall determine, in the second stage of the bifurcated trial, if a defendant is liable for punitive damages and the amount of those damages. The legislation establishes a list of factors the jury may consider in determining the amount of **punitive damages, including the severity of the harm and the defendant's degree of culpability**, past conduct, and ability to pay. If punitive damages are awarded, the trial court shall review **the jury's decision to ensure that the award is not excessive or the result of passion or prejudice**.

The Bill establishes a **cap on the bond a business must post to file an appeal in a civil lawsuit**. The legislation limits the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a large business or \$ 1 million for all others, whichever is less. Large businesses are defined based on gross receipts and number of employees.

The Bill makes **revisions to the Statute of Repose**. The bill provides that building code violations do not constitute per se fraud, gross negligence or recklessness, but such violations may be introduced as evidence of fraud, gross negligence, or recklessness.

The Bill establishes insurer **disclosure requirements on nonfleet private passenger automobile insurance coverage**.

The Bill places restrictions on the retention of outside counsel by solicitors. A circuit solicitor may employ outside counsel, in his discretion, without approval of the Attorney General, for civil forfeiture proceedings arising from criminal activity or from estreatment of bail bonds. In any other matter, the circuit solicitor must obtain written approval of the Attorney General

prior to retaining counsel to or filing a civil cause of action. **Having been signed by the Governor on 6/14/11, the bill becomes effective 1/1/2012**



JJ Gentry, attorney for the Senate Judiciary, Senators Hutto & Shoopman discuss the merits of S. 30 on the third floor above the Senate.

**S.854** The legislation revises **AS-SAULT AND BATTERY OFFENSES** by substituting the term "a person" for the term "an adult". **Considered an important clean up to last year's S.1154 , it was signed by the Governor and became effective 6/7/2011.**

**S.30**, relating to **MAGISTRATES**, This legislation revises the powers and duties of magistrates to provide that an arrest warrant may not be issued unless sought by a law enforcement officer acting in his official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. If a defendant named in a

courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed. The legislation also revises the appointment provisions for magistrates to allow for the termination of magistrate positions.

***Signed by the Governor & effective 6/28/11***

**S.568**, relating to **TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)**, and enrolled the bill for ratification. This bill further clarifies offenders who must be tested and the time frame that testing must be conducted as well as provides for follow-up testing for HIV when medically appropriate. ***Signed by the Governor and effective 06/07/11***

**H.3562**, the "**ALL-TERRAIN VEHICLE SAFETY ACT**" also known as "**CHANDLER'S LAW**", and enrolled the bill for ratification. The legislation provides that it is unlawful for the parents or legal guardian of a person less than six years old to knowingly permit that person to operate an all-terrain vehicle (ATV). The legislation further provides that it is unlawful for a parent or legal guardian of a person without a driver's license and less than sixteen years old to knowingly allow that person to carry a passenger while operating an ATV. Under the bill, it is unlawful to remove from an ATV the required manufacturer Age Restriction Warning Label or for a parent or legal guardian of a person less than sixteen years of age to knowingly allow that person to operate an ATV in violation of the Age Restriction Warning Label affixed by the manufacturer. A person fifteen years of age or younger may not operate, ride, or otherwise be propelled on an all-terrain vehicle within the state unless the person wears a safety helmet. Effective July 1, 2011, every person fifteen years old and younger who operates an all-terrain vehicle must possess a safety certificate indicating successful completion of 'hands-on' all-terrain vehicle safety course approved by the All-Terrain Vehicle Safety Institute. The legislation establishes additional restrictions for the operation of ATVs on lands open to the public. The legislation provides that all-terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011. A violation of the All-Terrain Vehicle Safety Act is a misdemeanor subject to a fine of not less than fifty nor more than two hundred dollars. The All-Terrain Vehicle Safety Act does not apply to: an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming, wildlife habitat management, or ranching operations; a person using an all-terrain vehicle for lawful hunting or trapping purposes if the person otherwise is lawfully engaged in those activities; or a minor younger than sixteen years of age, but not younger than six years of age who is operating an all-terrain vehicle under the direct visual supervision of his parent or an individual with legal custody of the minor on private property. The legislation also establishes procedures for the titling of ATVs. ***Signed by Governor 05/11/11. Effective 07/01/11***

The Judiciary Committee gave a favorable report to **H.3582**, a bill which revises the **ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN A SOLICITOR'S TRAFFIC EDUCATION PROGRAM**. This bill allows a person to be considered for a traffic education program if he has no significant history of traffic violations. Currently, the person must have no points on his driving record. ***Passed both houses, signed by Governor and became law 06/14/11. Note: the solicitors' traffic education programs will siphon***



**money off the top of Act 141 funds. Law enforcement be advised.**

**LEGISLATION THAT PASSED THE SENATE**

**S.119 STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES Sen. Campsen**

Upon receipt of the required notice, this legislation provides that the victim of the crime for which the prisoner has been sentenced and members of the victim's immediate family may submit written statements to the Board of Probation, Parole and Pardon Services. The statements must be considered by the board in making its determination of parole. The statements must be retained by the board. At subsequent parole hearings, the statements must be submitted again if the department verifies that it has contacted the submitting person since the prisoner's most recent parole hearing and that the submitting person declares that the statement still represents the person's present position. Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law. **Passed the Senate, now residing in House Judiciary for review in January 2012**

**S.18 "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011" Sen. McConnell**

This legislation allows a teacher to bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school-related event, or if the offense is directly related to the teacher's professional responsibilities. Nothing in this provision is intended to limit the civil remedies available to another party as a result of the same criminal act. In addition to the protections granted under the South Carolina Tort Claims Act, no teacher has civil liability to a student or to a party acting in the interest of a student for an act or omission by the teacher if the: (1) teacher was acting within the scope of the teacher's employment; (2) actions of the teacher violated no state, local, or federal law including regulations set forth by the individual district or school; (3) acts or omissions were not the result of willful or intentional conduct or gross negligence; (4) acts or omissions were not the result of the teacher operating a motor vehicle or watercraft; and (5) actions of the teacher do not constitute a violation of the student's civil rights. **Passed the Senate 05/19/11. Currently residing in the House Judiciary for Consideration in January of 2012.**

**S.295**, the **SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE**. 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 pro-

grams 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.

***Passed the Senate 3/29/11. Currently on the House Floor under adjourned debate ruling of 06/02/11***

### **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. ***Passed the Senate 04/12/11. Currently residing in the House Judiciary, Criminal Law subcommittee for consideration in January 2012.***

### **S.78 REVISIONS IN THE SCHEDULES OF CONTROLLED SUBSTANCES / ADDITION OF SYNTHETIC CANNABINOIDS TO THE LIST OF SCHEDULE I DRUGS Sen. Hayes**

Currently, during the time the General Assembly is not in session the Department of Health and Environmental Control may add, delete or reschedule a substance as a controlled substance after providing notice and a hearing to all interested parties. This legislation provides that the addition, deletion or rescheduling of a substance has the full force of law unless overturned by the General Assembly. The legislation provides for notice of changes to also be provided to the House and Senate Judiciary Committees and requires DHEC to post the schedules on its website indicating the change and specifying the effective date of the change. The legislation adds synthetic cannabinoids to the list of Schedule I drugs. ***Passed the Senate 04/12/11. Currently in House Judiciary awaiting consideration in January 2012.***

## ***LEGISLATION THAT PASSED THE HOUSE***

The House approved and sent to the Senate **H.3153**, relating to a **MOTION FOR A NEW TRIAL IN MAGISTRATES COURT**. This bill increases the time period in which a motion for a new trial may be made in magistrates court from five days to ten days. ***Passed the House 05/13/11. Currently in Senate Judiciary for consideration January 2012.***

The House approved and sent to the Senate **H.4192**, a bill revising provisions relating to certain agencies, boards, and commissions that were transferred to, incorporated in, and administered as part of the Department of Public Safety, so as to remove the **LAW ENFORCEMENT TRAINING COUNCIL** from the list. ***Passed the House 05/13/11. Currently in Senate Judiciary for consideration January 2012.***

The House amended, approved, and sent to the Senate **H.3164**, which provides for the **SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS**. The legislation provides that school attendance or participation in an adult education program leading to a regular high

school diploma or equivalency diploma (GED) is a condition for holding a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license for a person who is less than eighteen years of age. The legislation requires school district boards of trustees, governing bodies of private schools, and officials of the home school association to provide electronic notification within twenty-eight days to the Department of Motor Vehicles (DMV) when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated ten or more total unlawful absences, been expelled, or dropped out of school. The DMV must, in turn, notify the minor of the suspension of his license and driving privileges within ten days. The legislation establishes a procedure for appealing a suspension and allows a personal or family hardship waiver to be granted by the Office of Motor Vehicle Hearings if there is a medical condition of the student or a member of his immediate family that requires **that he maintain a driver's license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver's license to support himself or his immediate family.** A waiver is also granted in instances where a student who is seventeen years old has joined a branch of the United States Armed Forces, active or reserve. Unless waiver criteria are met, the suspension of driving privileges ends upon the date of the **minor's eighteenth birthday.** Penalties are established for a minor who drives while his privileges are suspended by this legislation. ***Passed the House 05/19/2011. Currently in Senate Judiciary for consideration in January 2012.***

The House amended, approved, and sent to the Senate **H.3308**, which enacts "**JAIDON'S LAW**". This legislation makes **REVISIONS PERTAINING TO THE DEPARTMENT OF SOCIAL SERVICES** (DSS) 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. ***Passed the***

**House 5/26/11. Currently residing in the Senate Judiciary for consideration in January 2012.**

The House approved and sent to the Senate [H.3527](#). This legislation provides that it is **UNLAWFUL FOR AN INMATE TO BE A MEMBER OF ANY INTERNET-BASED SOCIAL NETWORKING WEBSITE**. An inmate who joins an Internet-based social networking website or a person who establishes an account with an Internet-based social network website for an inmate is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars, or imprisoned not more than 30 days, or both. **Passed the House 4/29/11. Currently in Senate Corrections & Penology Committee for consideration in January 2012.**

The House amended, approved, and sent to the Senate [H.3163](#), relating to **MOPEDS**. This bill revises the definition of the term "motor vehicle" in Section 56-5-130 so as to include mopeds in the term's definition. The bill also revises the definition of the term "motorcycle" in Section 56-5-140 so as to exclude mopeds in the term's definition. **Passed the House 04/27/11. Currently in Senate Transportation awaiting consideration in January 2012.**

The House approved and sent to the Senate [H.3750](#), which adds that an **AUTOPSY** cannot be performed by a physician who is employed by the health care facility in which the death occurred, unless the coroner or medical examiner certified there is no reasonable alternative. **Passed the House 04/28/11. Currently in Senate Judiciary awaiting consideration in January 2012.**

The House approved and sent to the Senate [H.3895](#), a bill relating to **APPEARANCE BONDS**. This legislation provides that 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. **Passed the House 04/29/11. Currently on Senate Floor for third reading in January 2012.**

The House amended, approved, and sent to the Senate [H.3127](#), pertaining to **EXPUNGE-MENT OF CRIMINAL RECORDS FOR A PERSON WHO HAS RECEIVED A PARDON**. This legislation provides that a person who has received a pardon for any crime except criminal sexual conduct or a crime of violence as defined in Section 16-23-10(3), may apply, or cause someone acting on his behalf to apply to the circuit court for an order expunging the records of his arrest and conviction. **Passed the House 04/29/11 and is currently residing in the Senate Corrections and Penology Committee. This Bill is completely unaccept-**

***able to crime victims and should be opposed***

The House amended, approved, and sent to the Senate [H.3607](#). Relating to **ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES**, this bill provides that a warrant is not required to be endorsed by a magistrate in the county where a person charged with a crime resides or where he is located. The bill includes provisions for serving the warrant under these circumstances. ***Passed the House 04/14/11. Currently in Senate Judiciary for consideration in January of 2012.***

The full committee gave a favorable with amendment report to [H.3543](#), a bill relating to **BENCH WARRANTS**. This bill provides that a judge may not issue a bench warrant for failure to appear in court, unless the solicitor or clerk of court has provided notice to the attorney of record before the bench warrant is issued. ***Passed House 04/14/11. Currently in the Senate Judiciary.***

[H.3267](#), legislation providing for the **CONSOLIDATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES WITH THE DEPARTMENT OF CORRECTIONS**. This legislation transfers all functions, powers, duties, responsibilities and authority statutorily exercised by the Department of Probation, Parole and Pardon Services to the Department of Corrections, Division of Probation, Parole and Pardon Services. ***Passed the House 03/31/11, received major strike and insert amendments in the Senate Judiciary on 05/11/11 and is currently on the Senate Floor for 2nd Reading. A very controversial Bill that was greatly improved by the Senate and will have long range affects on crime victims.***

The House of Representatives amended, approved, and sent to the Senate [H.3066](#), the "**SOUTH CAROLINA RESTRUCTURING ACT OF 2011**". This legislation establishes the **DEPARTMENT OF ADMINISTRATION** under the executive branch of state government. The Department of Administration is headed by a director appointed by the Governor with the advice and consent of the General Assembly. The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- **Victims Assistance;**
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office;
- Division of State Chief Information Officer of the State Budget and Control Board;

- Employee Insurance Program; and Guardian Ad Litem program.

However, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments regarding certain matters. The Department of Administration also includes an Executive Budget Office charged with conducting analysis, coordinating executive agency requests for funding and evaluating program performance. All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the Department of Administration, except that a transfer of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. Whenever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, the board is authorized to receive and expend revenues generated by the programs to support the board's responsibilities related to the programs. The Department of Administration shall use the existing resources of each division transferred to the department. The legislation allows the Department of Administration to receive an equitable allocation of funding, personnel, equipment and supplies from the Budget and Control Board. During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The General Assembly shall undertake a joint oversight review investigation of the Department of Administration during **the department's fifth year of operation. Additionally, the Small and Minority Business Assistance Office, currently located within the Governor's Office of Executive Policy and Programs, is transferred to the Office of the Secretary of State. The Continuum of Care for Emotionally Disturbed Children Division is transferred from the Governor's Office to the Department of Mental Health.** **H.3066** includes provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every seven years on all agencies within its jurisdiction. Also a standing committee may by a majority vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a

witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. Anyone who wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of the felony offense of contempt of the General Assembly subject to a fine within the discretion of the court and/or imprisonment for not more than five years. The legislation also establishes the felony offense of criminal contempt for persons subpoenaed to attend as a witness before either house of the legislature or a legislative committee. ***Passed the House 03/03/11, greatly amended by Senate Judiciary....set for special order on Senate Floor 05/25/11...read 2nd time...interrupted debate 06/02/11. It will be up on Senate Floor first thing January 2012. Very controversial.***

The House amended, approved, and sent to the Senate **H.3246**. This bill prohibits the importation, production, manufacture, distribution, or sale of **ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES**. The bill provides definitions for the terms "alcoholic energy drink" and "caffeinated malt beverage". A person or entity who violates a provision of this legislation or a rule or regulation promulgated by the Department of Revenue or the State Law Enforcement Division pertaining to this legislation, upon conviction, must be fined not less than \$100 hundred dollars nor more than \$500 dollars, or imprisoned for not less than 30 days nor more than six months, or both, in the discretion of the court. Also, a person must forfeit his permit and is not authorized, for a period of two years after conviction, to engage in a business taxable under the provisions relating to beer, ale, porter and wine. **Passed the House, sent to Senate 2/15/11. Currently in senate subcommittee of Senators Rankin, Campsen, Coleman, Davis & Nicholson.**

The House amended, approved, and sent to the Senate **H.3344**, the "**UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT**". The legislation provides that it is unfair discrimination for an insurer to deny, refuse to issue or renew, cancel, restrict or exclude coverage, deny a claim or limit payments, or add a premium differential to a policy or certificate of coverage on the basis that an applicant or insured has been or is perceived to have been abused or may be a subject of abuse by a current or former family member, household member, intimate partner, or caretaker. The legislation establishes penalties for violations, including fines up to two hundred thousand dollars. **Passed the House. Sent to the Senate 2/09/11 where it failed to receive a third reading before the session ended. Senator Malloy placed an amendment on the bill at second reading. It will be on the Senate floor for third reading in January 2012.**

***BILLS INTRODUCED THIS SESSION, BUT RECEIVED NO COMMITTEE HEARINGS. THESE BILLS MAY RECEIVE ACTION IN 2012 AND SHOULD BE CLOSELY WATCHED BY CRIME VICTIMS & ADVOCATES***

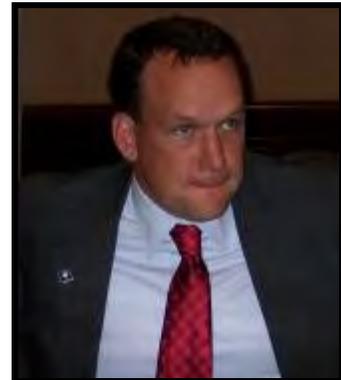
**H.3765 MAILING OR SERVICE OF AN ORDER OF PROTECTION FROM DOMESTIC ABUSE** Rep. Sandifer Relating to mailing or service of an order of protection from domestic abuse, this legislation requires service of an order of protection on a respondent within 48 hours of its issuance.

**H.3766 SECTION 16-23-440(A) ADDED TO THE LIST OF VIOLENT CRIMES** Rep. J. M. Neal This bill adds Section 16-23-440(A), the crime of discharging a firearm into a dwelling house, other building, structure, or enclosure regularly occupied by persons, to the delineated list of violent crimes.

**H.3767 "SPECIAL INVESTIGATIVE GRAND JURIES ACT" Rep. Herbkersman** This legislation enacts the "Special Investigative Grand Juries Act" to authorize circuit solicitors to apply for an order convening a circuit-wide special investigative grand jury under certain circumstances. The legislation provides for the empanelment of the special investigative grand jury and provides the powers of the circuit solicitor when the special investigative grand jury is convened.

**H.3769 "JAYDEN'S LAW" Rep. J. M. Neal** This legislation enacts "Jayden's Law" so as to create the felony offense of illegal possession of firearm during the commission of certain other offenses causing bodily injury to another person. The legislation provides a criminal penalty and provides for confiscation of the illegally possessed firearm.

**H.3757 ESTABLISHMENT OF CERTAIN HUMAN TRAFFICKING OFFENSES Rep. Hardwick** The legislation repeals section 16-3-930 relating to trafficking in persons for forced labor or services. This legislation establishes certain human trafficking offenses and provides criminal penalties for violations. Among other things, the legislation: provides for criminal liability of certain business entities that aid or participate in these offenses; provides restitution for victims of human trafficking offenses, establishes an interagency task force to develop and implement a plan for the prevention of trafficking in persons; requires the collection and dissemination of data related to human trafficking by the State Law Enforcement Division; requires law enforcement training on human trafficking offenses; provides for the creation of public awareness programs; allows civil actions by victims of human trafficking; provides that certain standards of working conditions apply without regard to immigration status; provides certain protections for victims of human trafficking; requires the state to develop plans for housing and counseling victims of human trafficking; provides for certain rights of minor victims of human trafficking; establishes a human trafficking victim-caseworker privilege, and creates the offense of maliciously or with criminal negligence publishing, disseminating, or otherwise disclosing the location of a human trafficking victim, a trafficking shelter, or a domestic violence shelter. **This Bill did have a reading in the Criminal Law subcommittee of the House Judiciary. Debate was adjourned till January. A committee has been meeting to rewrite some sections to conform more appropriately with SC law.**



Rep. Bruce Bannister, Chair of House Criminal Law Subcommittee

**H.3686 CALLER IDENTIFICATION AND SOCIAL MEDIA FRAUD Rep. Young** Among other things, this legislation creates the misdemeanor offense of unlawfully altering the identification of a caller's number or social media identity. The legislation defines necessary terms as well as provides a penalty.

**H.3707 REVISIONS TO PENALTIES FOR PROSTITUTION OFFENSES Rep. Howard** This legislation increases the penalty for third offense violations of certain prostitution solicitation offenses to the felony level.

**H.3708 ELECTRONIC MONITORING FOR SEX OFFENDERS Rep. Bingham** This bill broadens the offenses for which a person may be ordered to be electronically monitored to include all persons required to register as a sex offender.

**H.3614 PAROLE HEARINGS Rep. Toole** This legislation increases the number of years a person must wait to have a parole hearing after receiving a negative determination of parole for a violent crime from two to three years. This provision applies prospectively and retroactively to a prisoner who has had a parole hearing for a violent crime.

**H.3545 PROHIBITED ACTS REGARDING THE SALE OF BEER AND WINE Rep. Hart** This legislation prohibits the placement of portable containers or coolers containing beer or wine near doors used for ingress or egress from a licensed establishment.

**H.3565 REVISIONS TO THE YOUTHFUL OFFENDER ACT Rep. G.M. Smith** This bill allows a person under the age of 21 who commits armed robbery to receive a youthful offender sentence not below a minimum of

three years. This bill also revises the definition of a youthful offender to include persons who commit a broader range of criminal offenses

**H.3491 *INCREASED PENALIES FOR HOMICIDE BY CHILD ABUSE* Rep. Sandifer**

Relating to the offense of homicide by child abuse, this bill increases the penalty to life without parole or death if the State seeks the death penalty for murder.

**H.3341 *ESTABLISHMENT OF THE OFFENSE OF EXPOSING A CHILD TO METHAMPHETAMINE WHEN SERIOUS BODILY INJURY TO A MINOR CHILD RESULTS* Rep. Stringer** This legislation establishes the offense of exposing a child to methamphetamine when serious bodily injury to a minor child results. This is a felony offense and, upon conviction, a person must be fined not more than \$50,000 dollars or imprisoned for a mandatory minimum term of imprisonment of five years nor more than twenty years. No part of the mandatory minimum may be suspended nor may probation be granted.

**H.3316 *CALLER IDENTIFICATION FRAUD* Rep. Funderburk** This legislation creates the offense of unlawfully altering the identification of a caller's number or caller identification spoofing. The legislation defines necessary terms, and it provides a penalty for violations.

**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.

**H.3131 *DOMESTIC VIOLENCE PROTECTIONS FOR PERSONS IN DATING RELATIONSHIPS* Rep. Brady** In connection with criminal domestic violence offenses and the Protection from Domestic Abuse Act, this bill includes persons in a dating relationship within the definition of a "household member" as well as defines the term "dating relationship". This bill allows a parent or guardian to petition the court for an order of protection on behalf of a minor who is in a dating relationship. Under this bill, a respondent in an order for protection proceeding may be required to complete a batterer treatment program and any other requirements deemed necessary by the court in order to protect the abused person.

**H.3132 *ORDERS OF PROTECTION FROM DOMESTIC ABUSE* Rep. H. B. Brown** Relating to hearings regarding orders of protection from domestic abuse, this bill provides for a ten-day temporary order of protection for abused persons or persons on whose behalf a petition is filed.

**H.3133 *"SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011"* Rep. Clemmons** This legislation provides protection from civil liability for teachers acting in the scope of their employment; there are exceptions to this protection. A person associated with a school in an official capacity who is injured to the degree that the person is unable to return to his former position by a student convicted of a violation of an assault and battery offense that caused the injury must be allowed to continue in all retirement, insurance, and deferred compensation programs in which the person was enrolled at the time of the injury with the employer required to continue employer contributions on behalf of the injured employee. Relating to the requirements for notice for crime victims and witnesses to crimes in criminal and juvenile offender proceedings, this legislation requires judges in these proceedings to make a specific inquiry into compliance with these notice requirements.

**H.3138 *"HOME INVASION PROTECTION ACT"* Rep. Gilliard** This legislation establishes the offenses of home invasion in the first, second, and third degrees and provides graduated penalties. First and second degree home invasion are added to the list of violent crimes. Relating to the punishment for murder, this legislation includes as a separate statutory aggravating circumstance which may be considered in the determination of whether the death penalty should be imposed, a murder committed while in the commission of the offense of home invasion in the first degree.

**H.3139 "DRIVE-BY SHOOTINGS ACCOUNTABILITY AND PROTECTION ACT" Rep. Gilliard** This bill creates the offense of committing a drive-by shooting, and it provides a penalty. Relating to the punishment for murder, this bill includes as a separate statutory aggravating circumstance which may be considered in the determination of whether the death penalty may be imposed, a murder committed during the commission of a drive-by shooting.

**H.3140 OFFENSES INVOLVING ASSAULT WEAPONS Rep. Gilliard** Relating to penalties for violations of certain offenses involving weapons, this bill includes assault weapons in the purview of the statute and increases the penalties for a violation and creates a two-tiered penalty scheme. The bill also defines the term "assault weapon".

**H.3141 HATE-CRIME OF ASSAULT AND BATTERY UPON A HOMELESS PERSON Rep. Gilliard** This bill creates the hate crime of assault and battery upon a homeless person and provides a two-tiered penalty.

**H.3154 REVISIONS TO SEX OFFENSES Rep. Young** Relating to the offense of criminal solicitation of a minor, this bill increases the penalty for the offense. The legislation also creates the offense of sexual battery with a student and provides penalties based on the age of the student.

**H.3155 ADMISSIBILITY OF OUT-OF-COURT STATEMENTS MADE BY CHILDREN Rep. Young** Relating to the admissibility of out-of-court statements made by children under certain circumstances, this bill allows the admissibility of hearsay statements made to forensic interviewers.

**H.3166 SEX OFFENDERS DISQUALIFIED FROM REGISTERING TO VOTE Rep. Limehouse** This bill provides that a registered sex offender is disqualified from registering to vote.

**H.3167 SEX OFFENDERS PROHIBITED FROM BEING APPOINTED TO A PUBLIC OFFICE OR EMPLOYED BY THE STATE Rep. Limehouse** This bill prohibits a registered sex offender from being appointed to a public office or from being employed by the state.

**H.3168 PROPOSED CONSTITUTIONAL AMENDMENT PROHIBITING SEX OFFENDERS FROM REGISTERING TO VOTE Rep. Limehouse** This joint resolution proposes to amend the State Constitution so as to provide that a registered sex offender is disqualified from registering to vote. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3195 DEPARTMENT OF JUVENILE JUSTICE Rep. Brady** This legislation authorizes the Department of Juvenile Justice to release from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, or for violation of probation or contempt of a status offense or a misdemeanor offense so that the number of children in its custody or under its supervision and placed in residential placements does not exceed the number of housing units or beds available. No child adjudicated delinquent for a violent crime, a felony, or a sexual offense may be released.

**H.3196 JUVENILES IN RESTRAINT DURING COURT PROCEEDINGS Rep. Brady** When a juvenile appears before the court wearing instruments of restraint, such as handcuffs, chains, irons, or straightjackets, this bill provides that the court in any proceeding may not continue with the juvenile required to wear instruments of restraint unless the court first finds that: (1) the use of restraints is necessary due to certain factors and (2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person. The court shall provide the juvenile's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

**H.3197 COMMUNITY SERVICES PROVIDED BY THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady** This bill authorizes the Department of Juvenile Justice to grant probationers and parolees under the department's supervision up to a ten-day reduction of the probationary or parole term for each month they are compliant with the terms and conditions of their probation or parole.

**H.3198 COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady**

This bill provides that the family court may commit a child to the Department of Juvenile Justice for a determinate period of time not to exceed 180 days upon a child's adjudication for a felony which carries a maximum penalty of fifteen years or more and not to exceed 90 days for a child adjudicated for any other offense.

**H.3200 COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady**

This bill authorizes the Department of Juvenile Justice to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community.

**H.3201 CHILDCARE FACILITIES Rep. Brady** This bill authorizes childcare facilities to use corporal punishment with written parental permission under certain circumstances. Relating to registration requirements for family childcare homes, this bill requires family child care operators to post information and notices regarding parental training programs. Relating to training of family childcare operators and caregivers, this bill requires that mandatory training must be completed within 30 days of registration or employment.

**H.3203 DISTURBING SCHOOLS Rep. Brady** This legislation restructures the offenses involving disturbing schools to provide a delineated list of those actions which involve disturbing schools. The legislation revises the penalty for violation of a disturbing schools offense, and it provides an exception for school-sponsored athletic events.

**H.3205 JOINT COUNCIL ON CHILDREN AND ADOLESCENTS Rep. Brady** This legislation establishes the Joint Council on Children and Adolescents. The legislation provides for its members, powers, and duties, including, but not limited to, promoting and facilitating activities to improve access to services for children, adolescents and their families. The legislation provides that client records are confidential and outlines circumstances under which records may be released.

**H.3206 FAMILY COUNSELING REQUIRED BEFORE INSTITUTING INCORRIGIBILITY PROCEEDINGS Rep. Brady** Before the Department of Juvenile Justice accepts a referral for the status offense of incorrigibility or the filing of a petition against a child for incorrigibility, this legislation requires the party seeking to institute a proceeding against a child for incorrigibility to provide documentation indicating that family counseling involving the parent, guardian, or custodian and child has previously been sought in an attempt to address the incorrigible behavior of the child. If no prior assistance has been sought, the department shall refer the parent or guardian to assistance as is available locally in their home community or provide the assistance to the family.

**H.3207 CRIMINAL DOMESTIC VIOLENCE PROSECUTIONS Rep. Cobb-Hunter** The bill allows a judge to proceed with the prosecution of a criminal domestic violence case if the victim is not present. Before dismissing a criminal domestic violence case, the bill requires the judge to make written findings as to whether the prosecuting official is prepared to prosecute the case and the type of evidence that will be presented. Relating to law enforcement's authority and responsibilities with regard to arrests in and investigations of criminal domestic violence, the legislation requires the investigating agency to document the investigation and to maintain the investigation report.

**H.3208 STRANGULATION AND SMOTHERING OFFENSES Rep. Cobb-Hunter** This bill establishes the criminal felony offense of strangulation and the criminal felony offense of smothering. This bill provides that strangulation and smothering when seriously bodily injury or death occurs are also criminal domestic violence of a high and aggravated nature.

**H.3209 ORDERS FOR PROTECTION FROM DOMESTIC ABUSE Rep. Cobb-Hunter**

This bill provides that the court may prohibit harm or harassment to a pet animal owned, possessed, kept, or held by the petitioner for an order of protection from domestic abuse. The bill further provides that in ordering temporary possession of personal property, the court may order the temporary possession of pet animals.

**H.3210 CHANGE OF VENUE FOR CERTAIN CRIMINAL PROCEEDINGS Rep. Cobb-Hunter** If a person charged with a criminal offense is a law enforcement officer, magistrate, or circuit judge, this bill provides it is rebuttably presumed that a fair and impartial trial cannot be obtained in the county in which the defendant served and that the venue in such a case must be changed to another county.

**H.3211 STATE DOMESTIC VIOLENCE PROTECTIVE ORDER REGISTRY Rep. Cooper** This legislation authorizes the Attorney General to create and administer a State Domestic Violence Protective Order Registry. The legislation outlines procedures that must be followed in the maintenance of the registry and provides for confidentiality of the identity of victims of domestic violence

**H.3012 "LICENSURE OF IN-HOME CARE PROVIDER ACT "Rep. Horne** This legislation requires an in-home care provider to apply for and obtain a license from the Department of Health and Environmental Control for a fee established by the department. An in-home care provider is defined as a person or business that directly provides in-home care services through its own employees or through contractual arrangements. The legislation outlines what services are included and excluded as in-home care. The department must provide for specific regulations and requirements for the in-home care license, including criminal background checks for caregivers.

**S 0056 General Bill, By L. Martin, Fair and Rose** BILL TO AMEND THE 1976 CODE BY ADDING SECTION 61-4-95 TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-4083 TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

**S 0060 General Bill, By L. Martin, Campsen and Fair** A BILL TO AMEND THE 1976 CODE BY ADDING SECTION 20-1-110 TO PROVIDE THAT COMMON-LAW MARRIAGE IN THE STATE MAY NOT BE RECOGNIZED ON AND AFTER JANUARY 1, 2011, AND TO PROVIDE AN EXCEPTION FOR A COMMON-LAW MARRIAGE EXISTING AS OF DECEMBER 31, 2010; AND TO REPEAL SECTION 20-1-360 RELATING TO THE VALIDITY OF A MARRIAGE CONTRACTED WITHOUT THE ISSUANCE OF A LICENSE.

**S 0061 General Bill, By L. Martin and Rose** A BILL TO AMEND THE 1976 CODE, BY ADDING SECTION 27-37-45 TO PROVIDE CERTAIN DEFINITIONS, AND TO PROVIDE GROUNDS AND PROCEDURES FOR AN EXPEDITED TENANT EJECTMENT; TO AMEND SECTION 8-21-1010, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY MAGISTRATES, TO PROVIDE A FILING FEE FOR AN ACTION FOR EXPEDITED TENANT EJECTMENT; AND TO AMEND SECTION 22-1-17, RELATING TO CONTINUING EDUCATION FOR MAGISTRATES, TO PROVIDE SOUTH CAROLINA COURT ADMINISTRATION MAY ESTABLISH A CONTINUING EDUCATION PROGRAM CONCERNING LANDLORD AND TENANT RIGHTS THAT MAGISTRATES, LANDLORDS, TENANTS, AND LAWENFORCEMENT OFFICIALS MAY ATTEND

**S.0063 General Bill, by L. Martin** A BILL TO AMEND THE 1976 CODE, BY ADDING SECTION 14-1-240 TO IMPOSE A SURCHARGE ON CASES INVOLVING CRIMINAL DOMESTIC VIOLENCE OFFENSES IN A COURT IN THIS STATE, TO PROVIDE FOR THE USE OF THE REVENUE COLLECTED FROM THIS SURCHARGE, TO EXPRESS THE INTENTION THAT THIS REVENUE NOT BE USED TO SUPPLANT EXISTING FUNDING FOR CERTAIN SERVICES RELATED TO THE CRIMINAL DOMESTIC VIOLENCE PROSECUTION, AND TO ENABLE THE STATE AUDITOR TO EXAMINE CERTAINRELATED FINANCIAL RECORDS AT THE REQUEST OF THE STATE TREASURER

**S 0744 General Bill, By L. Martin** 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. ***This Bill was added late in the Session and is known as the STRANGULATION bill. This law is much needed to close a gap in the assault and battery statutes passed by Senate 1154 last year.***

**S 0029 General Bill, By McConnell, Campsen and Rose** A BILL TO AMEND SECTION 24-21-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PLACEMENT OF A DEFENDANT ON PROBATION, SO AS TO PROVIDE THAT IF THE DEFENDANT IS CONVICTED OF OR PLEADS GUILTY TO AN OFFENSE INVOLVING A VIOLENT ACT AGAINST A PERSON OR THE TAKING OF PROPERTY FROM A PERSON, AND THE DEFENDANT IS PLACED ON PROBATION, THE DEFENDANT MAY NOT BE PLACED ON PROBATION FOR ANY SUBSEQUENT OFFENSE. ***This is such an important Bill, introduced for the second time...it will be major game changer to the entire criminal justice system by making probation the gift that it is.***

**S 0041 General Bill, By McConnell and Rankin** A BILL TO AMEND SECTION 23-3-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSING PERSON INFORMATION CENTER, SO AS TO CHANGE THE DEFINITION OF "MISSING CHILD" AND "MISSING PERSON".

**S 0045 General Bill, By McConnell** A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17-15-55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT'S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT'S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, 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 HEARING WITHIN FORTY-EIGHT HOURS. ***This Bill will be a major game changer to the criminal justice system as well.***

**S 0746 General Bill, By Lourie, Hutto, Fair, L. Martin, Rose and O'Dell** This Bill adds Ignition Interlock requirements to DUI first offenses both for under 21 and adults. Incentives are added to entice drivers to get the Ignition Interlock instead of driving without a license and endangering the community. Photographic Imaging has been added to the in car devices. Representative Jim Harrison has introduced a companion bill in the House, H. 4294. ***The Ignition Interlock system has proven to be a life saver both for the driver and the unsuspecting public.*** Read more about Ignition Interlock at <http://www.dppps.sc.gov/>

All of the above is not an exhaustive list of those bills of interest to crime victims and service providers, but a list of those receiving the most interest from crime victim groups during the legislative year.

All inquiries as to the contents should be directed to [LauraHudson@SCCVC.org](mailto:LauraHudson@SCCVC.org)

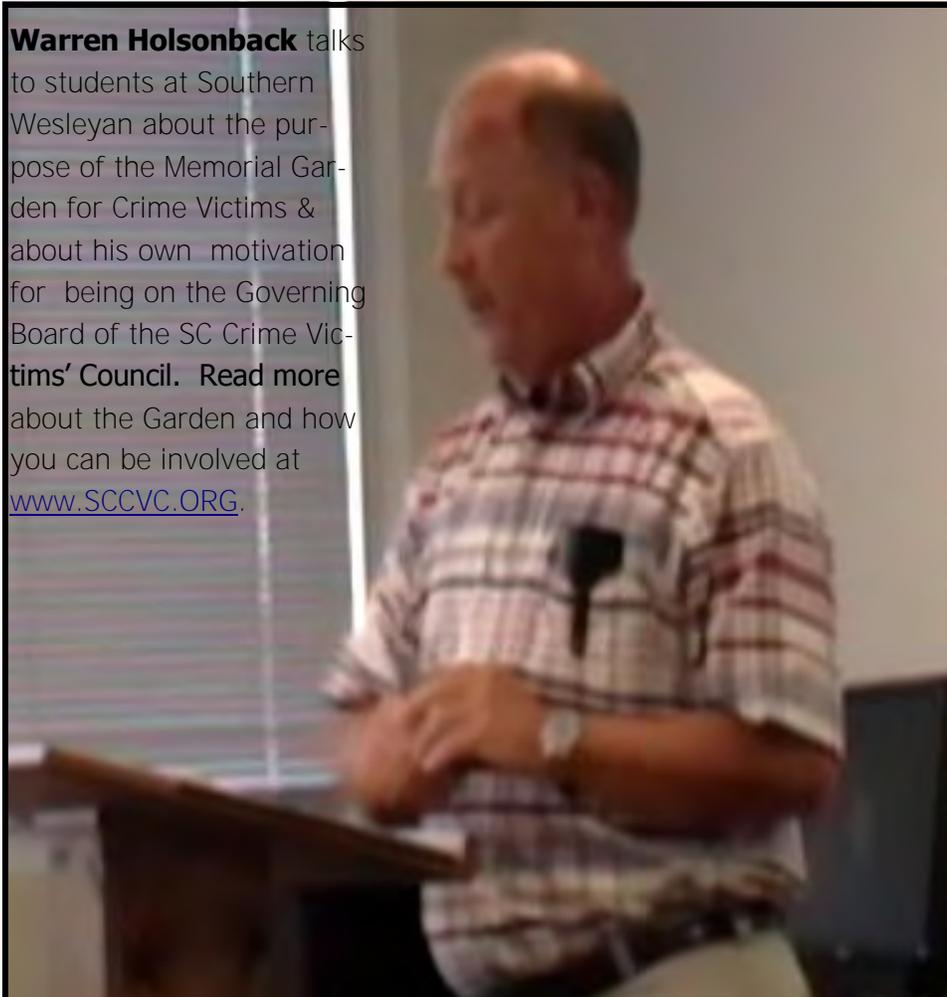
# PARTNERSHIPS

The 14 students of Class COBBM009 of **Southern Wesleyan University** Adult and Graduate Studies Program in Columbia has been working on the **SCCV Memorial Garden** since 3 August. The class is comprised of working adults continuing their undergraduate degree in business administration. The students are in the Management of Information Systems course being instructed by **Phil Bartlett**.

The goal of the project for the students is to provide a real life working environment for the practical application of business theory. Utilizing the skills introduced and instructed in the classroom setting and bringing the Memorial Garden to life for the citizens of Columbia and South Carolina. The students are focusing on effective means of fund-raising, social media, web presence and marketing.

The concept is basically to create an academic "think tank" to find real solutions to business and community issues.

**Warren Holsonback** talks to students at Southern Wesleyan about the purpose of the Memorial Garden for Crime Victims & about his own motivation for being on the Governing Board of the SC Crime Victims' Council. **Read more** about the Garden and how you can be involved at [www.SCCVC.ORG](http://www.SCCVC.ORG).



# LINKS & ITEMS OF INTEREST

BJS has just published an astonishing report that found that between 1993 and 2009, *only nine percent of serious violent crime victims* received assistance for a victim service agency. "**Use of Victim Service Agencies by Victims of Serious Violent Crime, 1993-2009,**" is derived from the National Crime Victimization Study, and also found that about one if five sexual assault victims and 23 percent of serious intimate partner violence sought assistance. **You'll want to print out this 16-page report at**

<http://bjs.ojp.usdoj.gov/content/pub/pdf/uvsavsvc9309.pdf> , which is a serious wakeup call to our field! We now need a **"91% club"** to ensure that **ALL victims and survivors** access the wide range of services available to help them!!!

**USEFUL PUBLICATION "The Rule Of Thumb" A Five Year Overview of Domestic Violence in SC 2005-2009** published in February ,2011 by the SC Department of Public Safety Office of Justice Programs...Edited, of course by our state treasure Rob McManus

The always wonderful Family Violence Prevention Fund is now "Futures Without Violence," and its new website is a treasure trove of resources for victim advocates. For example, "CONNECT – Supporting Children Exposed to Domestic Violence" features a training curriculum, videos and more. You can check it out at

[http://www.futureswithoutviolence.org/section/our\\_work/child\\_wellbeing/\\_connect\\_children\\_exposed\\_to\\_violence](http://www.futureswithoutviolence.org/section/our_work/child_wellbeing/_connect_children_exposed_to_violence), and also take a look at myriad great resources on this easy-to-navigate website!

The Frederick Douglass Family Foundation is sponsoring a pretty amazing anti-human trafficking "revolution" this fall, and is starting by asking folks to send a single paragraph that the foundation will assemble so anti-trafficking advocates "can all be heard as one voice." I encourage ALL Victim Advocates to send **one paragraph** (and include your name, agency and city/state) via email to [campaign@fdff.org](mailto:campaign@fdff.org), and help spread the word about this innovative international project!

WATCH has just published "Providing Feedback to Your Court," a 28-page Guidebook that offers the "nuts and bolts" of court watch programs. This is a "must read," and it can be downloaded at [http://www.watchmn.org/sites/default/files/Providing\\_Feedback\\_Guidebook\\_WATCH.pdf](http://www.watchmn.org/sites/default/files/Providing_Feedback_Guidebook_WATCH.pdf).

September is "National Recovery Month," and SAMHSA has published a Resource Kit to help promote recovery from alcohol and other drugs. This is a great opportunity for victim service providers to partner with our mental health and recovery colleagues to address addiction prevention and response. You can download this excellent Resource Kit at <http://www.recoverymonth.gov/Recovery-Month-Kit/Media-Outreach/Official-Proclamations.aspx>.

## 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 & Fax to 1 803 359 3900 or email the information to  
[laurahudson1@gmail.com](mailto:laurahudson1@gmail.com) or fill out the form provided at [WWW.SCCVC.ORG](http://WWW.SCCVC.ORG)

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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 2011, the next publication will be Summer of 2012 with an expected publication date of August 30.