

# “The Voice”



A PUBLICATION OF THE SOUTH CAROLINA CRIME VICTIMS' COUNCIL

This is the first in a series of quarterly publications from the newly formed South Carolina Crime Victims' Council. The Council, a non-profit corporation, is entirely governed by crime victims from diverse backgrounds. In future publications, “The Voice” will be featuring individual Council members' unique journeys and perspectives. The purpose of the SCCVC is to support crime victims in SC by impacting public policy, memorializing loved ones, offering resources, referrals, court watch, requiring accountability of service providers and policy makers, publishing quality editorials and pamphlets, offering quality training to both victim/survivors and service providers, maintaining a web site, creating community action teams in every county and sponsoring groups and many other services. Membership is open to crime victim service providers, professionals in allied fields, crime victim/survivors of all types of crime, and all citizens with an interest in safety and the criminal justice system. Governing members of the Council are as follows: **President, Jackie Olsen of Sumter, Vice-President, Warren Holsonback of Saluda, Secretary /Treasurer, Brenda Maxwell of Lexington.** Other Council members are: Lynn Eargle of Greenville, Debbie Holsonback of Saluda, Brian Marion of Richland, Andrea Mullins of Greenville, Silvia Allen Ouzts of Richland, Susan Quinn of Richland, Karen Smith and Randall Smith of Lexington. SCCVC maintains four Public Policy Committees involving the expertise of a wide range of professionals

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# 2007 Legislation of Interest to Crime Victims And Service Providers

## “ALCOHOL EDUCATION PROGRAM ACT”

This program may be a part of each circuit solicitor's Pretrial Intervention Program; it is a matter of prosecutorial discretion whether or not to establish such a program. The South Carolina Commission on Prosecution Coordination shall oversee administrative procedures for the alcohol education programs in consultation with the Department of Alcohol and Other Drug Abuse Services. Alcohol education programs must include an educational and community service component. A violator of specified alcohol-related offenses (not including driving under the influence or driving with an unlawful alcohol concentration offenses) is eligible for this program if the offender is at least 17 but less than 21 with no prior alcohol-related offenses or significant history of prior delinquency or criminal activity. A person may only participate in the program once. There is a \$250 dollar fee for enrollment in the program, but the fee may be waived upon a finding of an inability to pay. If a person violates conditions of participation, the person may be terminated from the program and the alcohol-related offense reinstated. When a person successfully completes an alcohol education program, the circuit solicitor shall effect a noncriminal disposition, and there must be no record maintained of the alcohol-related offense except by the Commission on Prosecution Coordination in order to ensure that a person does not benefit from an alcohol education program more than once.

*STATUS: H.3490 (R72) was vetoed by the Governor on June 4, 2007. The General Assembly has overridden the veto.*

## “ATM SAFETY ACT”

The bill provides that it is unlawful for a person to steal money, securities for money, or property, either by force, intimidation, or threats, from a person who is using or who has just finished using a bank night depository, an automated teller machine (ATM), or another automated banking device, or in the vicinity of a bank depository, an ATM, or another automated banking device. A violator is guilty of a felony and, upon conviction, must be fined not more than \$10,000 dollars and imprisoned not more than 20 years, or both.

The legislation also provides that it is unlawful for a person to beg, panhandle, or solicit money from a person using or who has just finished using a bank night depository, an ATM, or another automated banking device; or in the vicinity of a bank night depository, an ATM, or another automated banking device. A violator 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.

The legislation provides that separate location code, premise code, or designation for a bank night depository, an ATM, or other automated banking device offense must be added to the South Carolina Incident Based Reporting System and used by law enforcement personnel when completing incident reports for criminal activity encompassed by this legislation.

*STATUS: Having passed the General Assembly, H.3199 (R125) was ratified on June 7, 2007. Signed by the Governor 06/13/07*

## "CRIMINAL GANG PREVENTION ACT"

This comprehensive legislation addresses the problem of gangs. The stated intent of the bill is to eradicate the terror created by criminal gangs by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal gang activity, including criminal gang recruitment. Highlights

of the legislation include the following.

**The bill adds criminal gang activities under the jurisdiction of the State Grand Jury.**

The bill provides that it is unlawful for a criminal gang member to use or threaten to use physical violence against another person with the intent to coerce, induce, or solicit that person or another person to actively participate in criminal gang activity, or to prevent another criminal gang member from withdrawing from or leaving a criminal gang. Criminal penalties are outlined, and second or subsequent offenses carry stiffer penalties. Penalties are increased if the coercion involves the use of a firearm or other deadly weapon. Additional penalties may be imposed if the person solicited, recruited, coerced, or threatened is under the age of 18. Also, a person who has been coerced, intimidated, threatened, or injured has a civil cause of action against a criminal gang or criminal gang member.

This bill provides that it is unlawful for a criminal gang member by threat or force to: **(1) prevent a witness or victim from attending or giving testimony at a trial, proceeding, or inquiry authorized by law that concerns or relates to any criminal activity; or (2) attempt to prevent a witness or victim from attending or giving testimony at a trial, proceeding, or inquiry authorized by law that concerns or relates to any criminal activity. Criminal penalties are outlined. Also, a person who has been coerced, intimidated, threatened, or injured in has a civil cause of action against a criminal gang or criminal gang member.**

The bill includes provisions for the **seizure and forfeiture** of firearms, weapons, and other valuables or assets when the law enforcement officer or agency reasonably believes that the items have been used in a pattern of criminal gang activity or have been used for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

The bill provides that a civil cause of action is created in favor of the State of South Carolina, a county, municipality, or another political subdivision, or an agency or instrumentality of them, that sustains any damage, impairment, or injury proximately caused by a pattern of criminal gang activity or the commission of a criminal act for the purpose of benefiting, promoting, or furthering the interests of a criminal gang. The cause of action may be brought against a criminal gang, a criminal gang member, or any other person who intentionally directs, participates, conducts, furthers, or assists in the commission of a pattern of criminal gang activity, or any other person who commits a criminal act or delinquency for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

The State Law Enforcement Division must include the Violent Gang and Terrorist Organization File of the Federal Bureau of Investigation's National Crime Information Center among those National Crime Information Center data available for direct access by authorized criminal justice agencies. **State, county, and municipal law enforcement agencies must maintain a record of all persons who are found to be criminal gang members in the Violent Gang and Terrorist Organization File in accordance with the National Crime Information Center entry criteria.**

The legislation creates a **Gang Prevention Study Committee**. Among other things, this committee shall study and keep abreast of issues and problems in South Carolina concerning criminal gang activity.

Within the State Budget and Control Board, the legislation establishes a Community Safety Anti-gang Matching Grants program to **provide funding** for local programs to prevent youth idleness and intervene with at-risk youth.

The bill creates the offense of “illegal graffiti vandalism” and outlines various criminal penalties.

*STATUS: Having passed the General Assembly, **S.141** (R109) was signed by the Governor on June 12, 2007.*

**Special thanks to Senator Jake Knotts of Lexington County for his tenacity and leadership for the last several years in trying to bring this legislation to reality. Congratulations Senator Knotts!**

**“JESSICA HORTON ACT”**

This legislation provides that campus police officers shall notify and work with the State Law Enforcement Division on the investigation of a death or an alleged act of criminal sexual conduct resulting from an incident occurring on the campus of an institution of higher learning.

*STATUS: S.459 (R91) was signed by the Governor on June 6, 2007.*

*Special blessings to Jessica's family for their ability to use personal tragic circumstances to create better law for future victims. Also special thanks to Senator Vince Sheheen of Kershaw for his compassion, and leadership in the creation of this important bill and its ultimate passage. Also thanks to co-sponsors: Senators Lourie, Leventis, Campsen, Bryant, Ford, & Knotts.*

## **“INDIGENT DEFENSE ACT”**

This legislation makes revisions pertaining to the State's indigent defense system.

### **Circuit Public Defender Selection Panels**

The bill creates a **Circuit Public Defender Selection Panel (Panel) in each judicial circuit**. Judicial circuits with three or less counties must have a Panel consisting of five members. Judicial circuits with four counties must have a Panel consisting of seven members. Judicial circuits with five counties must have a Panel consisting of nine members. This Panel chooses the circuit's public defender. The Panel must include at least one attorney from each county in the circuit, and the remaining members of the Panel are chosen by a formula set forth in the bill. Solicitors, employees of solicitors, or employees of the Prosecution Coordination Commission are not eligible to serve on the Panel.

### **Circuit Public Defenders**

Each judicial circuit has a circuit public defender. A circuit public defender must be at least 25-years old, must have been admitted and licensed to practice law in all courts of the State for five years, must be a member in good standing of the South Carolina Bar, must be competent to counsel and defend a person charged with a capital felony, and must be certified at all times to defend capital cases. The bill outlines other responsibilities of circuit public defenders, including the hiring of additional public defenders, investigators and other staff as necessary. The bill specifically provides that a public defender employed fulltime by the circuit public defender shall not engage in the private practice of law for profit. Public defenders serve at the pleasure of the circuit public defender. Among other things, the bill increases the application fee for public defender services from twenty-five dollars to forty dollars. The bill also provides that circuit public defenders are included in the State Retirement System for Judges and Solicitors.

### **Commission on Indigent Defense**

The bill rewrites the current statute that provides for the creation of the Commission on Indigent Defense (Commission). Under this legislation, the Commission consists of thirteen members. The Governor appoints nine members. The Chief Justice of the Supreme Court appoints two members. The chairmen of the Senate and House Judiciary Committee, or their legislative designees, also serve on the Commission. The bill provides a list of activities and responsibilities that the Commission shall perform. The Commission must meet at least quarterly. The Commission is funded by appropriations from the General Appropriations Act.

The Office of Indigent Defense is the entity that distributes the funds for the defense of the indigent to the public defender offices around the State. Among other things, the bill provides that an Executive Director shall head the Office of Indigent Defense.

The bill also creates the Division of Appellate Defense within the Office of Indigent Defense. The Chief Attorney must administer the Division of Appellate Defense, and no attorney in this office may be involved in private practice.

*STATUS: S.446 (R154) was ratified on June 12, 2007.*

## "PREVENTION OF UNDERAGE DRINKING AND ACCESS TO ALCOHOL ACT OF 2007"

The General Assembly recognizes that alcohol is, by law, an age-restricted product that is regulated differently than other products. This comprehensive legislation addresses the problem of underage drinking and access to alcohol. Among other things, the legislation provides for the following:

Requires the registration of kegs. A retail licensee shall not sell a keg of beer without recording certain information. The bill includes penalties for retail licensees that violate these provisions. The bill also prohibits a person from knowingly possessing a keg that does not have the proper label; the legislation also prohibits a person from purposefully removing, altering or allowing to be removed or

- altered a keg label. Penalties are provided for violations.
- Creates the offense of illegal purchase of alcoholic liquors for another's consumption on premises. Penalties are provided for violations.
- Requires that criminal charges be brought against both the seller and purchaser regarding the illegal sale of alcoholic liquors and beverages to minors.
- Allows law enforcement to utilize minors to test compliance with various laws. The testing must be under the direct supervision of a law enforcement agency, and the agency must have the person's parental consent.
- Provides that it is illegal for a person under the age of twenty-one to purchase, attempt to purchase, consume, or knowingly possess various alcoholic beverages. If law enforcement has probable cause to believe that a person under the legal age has consumed alcohol, then the law enforcement or the person may request that the person submit to any available alcohol screening test approved by the State Law Enforcement Division.
- Equalizes the penalties for the purchase or possession of beer, wine and alcoholic liquors by minors.
- Requires completion of certain alcohol prevention education or intervention programs under certain circumstances.
- Increases penalties for various violations, including increases the length of time for driver's license suspensions.
- Includes provisions relating to the eligibility for certain scholarships.
- **Requires repeat DUI offenders to pay for and have installed on any vehicle the person operates an ignition interlock device designed to prevent the operation of the motor vehicle if the person has consumed alcoholic beverages. The bill outlines various procedures and penalties associated with the ignition interlock devices. The Department of Probation, Parole and Pardon Services has responsibility for overseeing these provisions.**

*STATUS: **S.213** (R156) (Lourie) was ratified on June 12, 2007. Signed by the Governor June 15, 2007*

## **“THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT”**

**“UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT” Sen. Hayes** This comprehensive legislation revises procedures for establishing and enforcing child custody and visitation when one of the parties resides in this State and the other does not.

*STATUS: [S.13](#) (Hayes) Signed into law June 8,2007. Effective date same.*

## **“ THE UNIFORM INTERSTATE FAMILY SUPPORT ACT”**

**“UNIFORM INTERSTATE FAMILY SUPPORT ACT” Sen. Hayes** This comprehensive legislation is an update to uniform legislation to assist with the interstate enforcement of family support, including civil and criminal enforcement procedures.

*STATUS: S. 17 (Hayes) Signed into law June 8,2007. Effective date the same.*

## **“SHAKING INFANTS & YOUNG CHILDREN”**

This Bill received a favorable with amendment recommendation from the full committee. This bill requires the Department of Health and Environmental Control (DHEC) to approve and make available a video on the **DANGERS ASSOCIATED WITH SHAKING INFANTS AND YOUNG CHILDREN**. DHEC must make the video available at cost to every hospital, licensed childcare facility, and parent who adopts a child through the Department of Social Services. DHEC will be required to establish a protocol for health care providers to educate parents and primary caregivers about the dangers of shaking infants and young children. DHEC is instructed to request family practice and pediatric health care providers review these dangers with parents and primary caregivers of children up to age one at each well-child visit. Every hospital must make an approved video available and request both parents of every newborn baby to view it. Following the hospital's request, the parents are to sign a document stating they have been offered an opportunity to watch the video. In addition to making the video available, hospitals must make information available to parents about learning **INFANT CPR**. Also, the video presentation must be part of the initial and ongoing training of licensed childcare providers. The bill provides that there will be no civil, criminal or administrative cause of action or other liability against a health care facility or health care provider for any acts or omissions relating to compliance with the provisions of the act.

*STATUS: S. 518 Becomes law without the signature of the Governor 01/01/08.*

## **“CORONERS DUTIES UPDATE”**

Among other things, this bill revises the manner in which vacancy in the office of the coroner is filled. The bill authorizes coroners to appoint investigators as well as deputies. The bill requires coroners or medical examiners to immediately request an autopsy if a child's death is unattended and the autopsy must be performed as soon as possible by a pathologist with forensic training. Relating to the duties of the State Child Fatality Advisory Committee, this bill provides that the committee shall notify the county coroner or medical examiner about the review meeting and request that the county coroner or medical examiner attend the review meeting.

*STATUS: [S.391](#) (Sen. Knotts) Signed by Governor 06/06/07, Becomes effective 06/06/07*

## **“DEATH PENALTY LIST”**

Relating to the punishment for murder, this bill adds arson in the first degree to the list of crimes included in the statutory aggravating circumstances for purposes of imposing the death penalty.

*STATUS: S. 370 (Gregory) Signed by Governor 06/18/07, effective 06/18/07*

## **“JUVENILE PAROLE BOARD DUTIES”**

AN ACT TO AMEND SECTION 20-7-8303, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THOSE OFFENSES COMMITTED BY JUVENILES FOR WHICH RELEASE FROM THE DEPARTMENT OF JUVENILE JUSTICE IS DETERMINED BY THE BOARD OF JUVENILE PAROLE OR THE DEPARTMENT, SO AS TO CLARIFY THAT RELEASE FOR THE OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE MUST BE DETERMINED BY THE BOARD; AND TO AMEND SECTION 20-7-8305, AS AMENDED, RELATING TO REVIEW AND RELEASE PROCEDURES FOR THE BOARD AND DEPARTMENT, SO AS TO PROVIDE THAT THE STATUTORY PROCEDURES APPLY TO THE BOARD AND THAT THE DEPARTMENT SHALL ESTABLISH POLICIES AND PROCEDURES GOVERNING ITS REVIEW AND RELEASE PROCEDURES.

*STATUS: S294 (S. Fair ) Signed by Governor 3/28/07*

## **“THE UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS”**

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 4, TITLE 20 ENACTING THE "UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT" SO AS TO ESTABLISH UNIFORM PROCEDURES FOR THE INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS, TO AUTHORIZE THE ENFORCEMENT OF PROTECTION ORDERS ISSUED IN ANOTHER STATE INCLUDING TERMS THAT PROVIDE RELIEF THAT THE COURTS OF THIS STATE WOULD LACK POWER TO PROVIDE; TO PROVIDE IMMUNITY FOR LAW ENFORCEMENT OFFICERS ACTING IN GOOD FAITH; TO AUTHORIZE THE ENFORCEMENT OF PROTECTION ORDERS ISSUED BY ANOTHER STATE WHICH ARE NOT REGISTERED OR FILED IN THIS STATE; TO PROVIDE AN OPTIONAL REGISTRATION PROCESS WHEREBY THE PROTECTED INDIVIDUAL CAN FILE A FOREIGN ORDER OF PROTECTION WITH THE FAMILY COURT, TO MAKE IT UNLAWFUL KNOWINGLY TO FILE OR ATTEMPT TO FILE A FALSE, FICTITIOUS, OR FRAUDULENT FOREIGN PROTECTION ORDER AND TO PROVIDE A PENALTY AND TO PROVIDE FOR CIVIL RECOVERY FOR THE FILING OF SUCH AN ORDER; TO DESIGNATE SECTIONS [20-4-10](#) THROUGH [20-4-160](#) AS ARTICLE 1, CHAPTER 4, TITLE 20 ENTITLED "PROTECTION FROM DOMESTIC ABUSE"; AND TO REPEAL SECTION [20-4-140](#) RELATING TO FOREIGN PROTECTION ORDERS

*STATUS: S.15 (Hayes) become effective June 8, 2007*

### **THE FOLLOWING BILLS SUCCESSFULLY PASSED EITHER THE SENATE OR HOUSE BUT DID NOT BECOME LAW THIS YEAR:**

## **“DRIVING UNDER THE INFLUENCE LAW REVISIONS”**

The House of Representatives approved and sent to the Senate [H.3496](#), a bill that makes comprehensive changes to driving under the influence (DUI) laws. Highlights of the legislation include the following.

The core changes to the law are in Section 56-5-2930 – creating various tiered punishments (in ascending order) for each of the following designations: “driving while impaired,” “driving with an unlawful alcohol concentration,” “operating a motor vehicle with an unlawful and high concentration,” and “operating a motor vehicle with an unlawful and gross concentration.”

The bill changes “probable cause” to only needing “reasonable suspicion” to order alcohol testing on a person under 21 and if a person under 21 refuses to take the breath test, his license is suspended for one year instead of the

current six months; however, if a person under 21 takes the breath test and is over .02, his license is suspended for six months (currently three). The one year and six month penalties are substituted for the current lesser or greater penalty for previous convictions.

The bill eliminates the need to videotape a suspect twenty minutes prior to testing and the person must be given a written copy and informed of his right not to take the breath test and the consequences for such (the penalties are increased for refusal - one year and if over a certain limit to six months). In certain places deletes "restricted" from "temporary alcohol" license.

Removes the time allowance of a written order within 30 days after a hearing.

The bill provides that a person convicted under this section must enroll in and complete an Alcohol/Drug Safety Action Program (ADSAP) certified by the Department of Alcohol and Other Drug Abuse Services (DAODAS).

The bill provides that any offense under 56-5-2930 carrying a penalty of 90 days or less may be tried in magistrate's court.

In section 56-5-2934 removes certain notice requirements by the officer.

Section 56-5-2942 makes clarification regarding the immobilization of vehicles. The bill amends Section 56-2-2945(A) to make the appropriate technical changes regarding the definition of a driver and clarifying the definition of felony driving while impaired - that a person who is convicted of felony DUI involving death is to have his license suspended for his period of incarceration plus 5 years. Furthermore, a person who is convicted of felony DUI involving great bodily injury is to have his license suspended for his period of incarceration plus 3 years.

The bill amends Section 56-5-2950 and 2951 to make numerous changes, among which are: changing the blood alcohol limit triggering suspension of the person's license from fifteen one hundredths to eight one hundredths of one percent.

The Code is amended by adding that an insurer may not cancel the automobile insurance policy of a person charged with a DUI violation.

The bill provides that only a Miranda warning at the time of arrest must now be video recorded.

The bill now requires that records of the Data Master malfunctions to be electronically recorded into the device and then made available on State Law Enforcement Division's website.

The bill amends Section 1-23-600(B) by adding that the standard of proof in a contested case is "preponderance of the evidence."

The bill as amended changes Section 1-23-660 by removing the requirement for the Administrative Law Court (ALC) to hire a law clerk or other assistant to help the judges who preside over Department of Motor Vehicle (DMV) Hearings. The amendment further makes it unnecessary for the DMV to provide locations within its facilities for hearings, and it removes language in the statute indicating that the chief judge of the ALC is not disqualified from adjudicating cases under this section. The bill further provides that administrative law judges (ALJs) are bound by the Code of Judicial Conduct and the SC Appellate Court Rules. The amendment adds that the State Ethics Commission is responsible for the enforcing the rules. Additionally, the amendment provides that an ALJ, hearing officer, or the spouse of the ALJ or hearing officer may accept invitations to attend judicial-related or bar-related functions.

The amendment adopts the language of **S.472** - providing that the court must order subsequent offenders' vehicles be equipped with an ignition interlock device. The cost of the device must be borne by the offender. The Department of Probation, Parole and Pardon Services (DPPS) would be handling all of the dealings with ignition interlock devices. Substantial language is included regarding the interlock devices.

The bill now provides that for a first offense, the court must be notified if an offender fails to enroll in an ADSAP program within 30 days or fails to participate in the treatment program. The bill further provides that the court may hold the offender in contempt of court if he cannot show good cause as to why the failure to enroll or participate has occurred.

A court may order the use of a continuous alcohol-monitoring device for a person who has been convicted of a second or subsequent offense of 56-5-2930 and for a person who has been convicted of a felony DUI or a DUI involving great bodily injury. The devices will be monitored by DPPS.

A DUI offender is required to carry minimum liability insurance with limits of \$100,000/\$300,000.

The bill amends Section 56-1-10 to include mopeds within the definition of a motor vehicle.

*STATUS: **H 3496** was read for the third time in the House of Representatives on May 17, 2007. On May 22, 2007, the bill was introduced in the Senate and referred to the Senate Judiciary Committee. On May 25, 2007, the bill was referred to a subcommittee.*

**THIS ALCOHOL BILL WILL BE DEBATED IN THE SENATE IN JANUARY 2008**

## "JUDICIAL ENHANCEMENT ACT"

This legislation makes comprehensive revisions to the judicial process. Highlights of the revisions include:

- Provides each county clerk of court will report certain information to court administration regarding indictments;
- Provides a procedure for the assignment of a single circuit court judge to complex civil actions;
- Provides factors for the family court to consider when determining attorney's fees;
- Relating to the schedule of fees and costs to be collected by magistrates, increases the fee in all civil actions, for issuing a summons and copy for the defendant, and for filing judgment with or without a hearing from forty-five dollars to one hundred twenty dollars;
- Relating to post-conviction relief procedures, revises the procedure for judicial review of post-conviction relief filings to include the issuance of a certificate of probable cause;
- Relating to the civil jurisdiction of magistrates courts, increases the civil jurisdiction from \$7,500 dollars to \$15,000 dollars;
- **Raises the amount of restitution caps in the summary courts for crime victims from \$5,000 to \$15,000.**
- Relating to transfer of certain cases from general sessions court to magistrates court, deletes the existing provisions and provides that a case may be transferred to magistrates court if the penalty for the crime does not exceed one year or is a crime classified as a misdemeanor;
- Relating to sentencing, the bill allows the court to correct within seven days of sentencing, a sentence that resulted from arithmetical, technical, or other clear error. Also upon motion of the State, the bill allows for the reduction of a defendant's sentence under certain circumstances; and
- Creates a Judicial Circuit Reapportionment Study Committee.

*STATUS: **H.3934** received third reading in the House of Representatives on May 23, 2007; the bill was introduced in the Senate and referred to the Senate Judiciary Committee on May 24, 2007. On June 1, 2007, the bill was re-*

ferred to a subcommittee.

**THIS BILL TO BE CONSIDERED IN SENATE JANUARY 2008**

## **“THE DSS CENTRAL REGISTRY”**

This Bill clarifies the duties of the Department of Social Services with regard to investigating Child Abuse and Neglect reports, determining founded or unfounded status, and the **unwaiverable placement** of the names of perpetrators in certain circumstances in the Central Registry of Child Abuse and Neglect. A person’s name **must** be entered if the court finds by the preponderance of evidence that the person:

- (a) physically abused the child;
- (b) sexually abused the child;
- (c) severely neglected the child; or
- (d) repeatedly neglected the child.
- (e) The Bill outlines an exception for corporal punishment in certain circumstances.

*STATUS: H.3547 received third reading in the House: introduced in the Senate and assigned to a sub-committee in the Senate Judiciary: Senators Ritchie, Lourie, Rankin and Scott*

**THIS BILL TO BE CONSIDERED IN SENATE JANUARY 2008**

## **“INTERFERENCE WITH COMMUNICATION DEVICES”**

This Bill creates new criminal penalties by adding Section 16-11-745 so as to define “Communication Device” and “Communication System”, to provide that it is unlawful to disable, destroy, or injure a communication device or communication system during the commission of a crime, to provide that it is unlawful to obstruct, impede, or impair the service or transmission of a communication device or communication system during the commission of a crime and to provide two tiered penalties for violations.

*STATUS: S.331 Introduced by Senator Jake Knotts of Lexington County. Passed the Senate. Assigned to the House Judiciary for consideration. **THIS BILL TO BE CONSIDERED IN JANUARY 2008***

**THE FOLLOWING BILLS WERE INTRODUCED BUT RECEIVED NO ACTION IN THE 2007 SESSION**

## **“CRIMINAL DOMESTIC VIOLENCE”**

This Bill amends Section 16-25-20 by adding that Criminal Domestic Violence convictions in other states are to be considered when determining a previous conviction for purposes of enhancement of SC penalties.

*STATUS: H. 3058 Introduced by Representative Doug Smith of Spartanburg. Assigned to the House Judiciary early in 2007. Received no action. **THIS BILL TO BE CONSIDERED IN JANUARY 2008***

## **“TERMINATION OF PARENTAL RIGHTS”**

This Bill relates to grounds for termination of Parental Rights so as to add as a ground for termination: “Institutionalization of the parent, including incarceration, renders it improbable for the parent to care for the child for an extended period of time”

*STATUS: H. 3548, introduced by Representative Dennis Moss of Cherokee County. Assigned to the House Judiciary in early 2007. No action was taken. **THIS BILL TO BE CONSIDERED IN JANUARY 2008***

**THE FOLLOWING BILL WAS SUCCESSFULLY OVERRIDDEN BY THE GOVERNOR AND WILL BE REINTRODUCED IN JANUARY 2008**

## DNA SAMPLES FOR INCLUSION IN THE STATE DNA DATABASE

This legislation provides that a person must provide a DNA sample, either saliva or tissue sample, following a lawful custodial arrest or a direct indictment for a felony offense or an offense that is punishable by a sentence of five years or more. The sample must be included in the State DNA Database. The legislation outlines procedures whereby law enforcement may take the sample. The State Law Enforcement Agency must coordinate with other law enforcement agencies to prevent duplications of DNA samples. If the charges pending against the person who has been arrested have been nolle prossed or dismissed, then the person may request that his DNA record be expunged from the State DNA Database. The cost of collecting and processing a DNA sample must be paid by the general fund of the State. A fee of \$250 dollars must be assessed at the time of sentencing against persons convicted or, pleading guilty or no contest to, or forfeiting bond for the crime for which they were arrested.

**STATUS: H.3304 (R159) was ratified on June 12, 2007. THE GOVERNOR VETOED THIS VITAL CRIME VICTIM LEGISLATION & THE GENERAL ASSEMBLY FAILED TO OVERRIDE THE VETO**

*This report is not intended to be an exhaustive list of bills of interest to crime victims. Any questions may be directed to the SCCVC Executive Director, Laura Hudson at [laurahudson1@gmail.com](mailto:laurahudson1@gmail.com)*

## 2008 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 [lauraHudson1@gmail.com](mailto:lauraHudson1@gmail.com)

**Margaret Frierson: Children's Law Issues/** (803) 254-2326 [mfrierson@ncmec.org](mailto:mfrierson@ncmec.org)

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

**Andrea Mullins: Family Violence & Sexual Assault Issues /** (864) 681-0377  
[awmullins@yahoo.com](mailto:awmullins@yahoo.com)

All committees meet at the call of the chairpersons, usually at the SCCVC offices located at 1900 Broad River Road, Columbia, SC 29210-7047

If you do not want 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.



### **Department of Corrections' Prison Industries' Program Questioned**

In a recent case reviewed by the SC Supreme Court, it is alleged by inmates, inmates' dependants and crime victims that the DOC is receiving more monies from private industry for labor than they are paying the inmate thus reducing the amount of money going to those entities who by law are entitled to certain percentages of the inmates' wages.

Prisoners allege that a private company, Insilco, pays the DOC \$7.17 per hour for their labor, but that the department pays the prisoner only \$5.25 per hour for their work. Prisoners further allege that the DOC improperly diverts the \$1.92 difference from the \$7.17 hourly wage and deposits the difference into a DOC Surplus Fund. As a result, members of all three classes of complainants: prisoners, dependants, & crime victims allegedly lose money to which they are entitled under South Carolina Law. The court stated that "if appellants prove true their allegation that the DOC removes any of the money remitted by the private industry sponsor and then disperses the percentages" outlined in law based on the **lower** rate, the DOC would be in violation of the plain language of the statute which directs the Department to disburse the money based on the gross wages.

SC crime victims suffer further loss, if the allegations are true, because 20% of prisoner wages are remitted to the Department of Public Safety Grant program that makes funds available for crime victim service providers. Plus, a another percentage is given to the Governor's office of Crime Victim Assistance (SOVA) for payments to compensate crime victims' lost wages, medical expense, psychological treatments and burial cost.

Currently, there is a grievance system available to the inmate, but not to the dependant or crime victim who is due restitution by court order.

In the case, filed May 7, 2007, *Torrence v. Department of Corrections* the court found that the DOC "will need to implement new regulations to allow both dependants and crime victims access to the agency's internal grievance system, thus affording crime victims due process when there are claims alleging improper disbursement of restitution funds.

The General Assembly should act swiftly to create due process for crime victims and the Governor should immediately investigate allegations and restore integrity to the prison industry program for all parties.

## 2007 SC Violence Prevention & Data Dissemination Meeting

The Department of Health and Environmental Control partnering with the SC Coroners' Association produced an informative agenda on September 5 –6 at Brookland Baptist Banquet and Conference Center. Statistics on Suicide, Traumatic Brain Injuries, Child Sexual Abuse, Criminal Domestic Violence, Leading Causes of Injury Death by Age Group, SC Violent Death Reporting System & the Release of the 2005 Child Fatalities Annual Report were presented. Seminars were presented on Suicide Prevention by Linda Dunlap, M.Ed., Data and Mapping Resources, along with many others informative studies & reports.



Mike Prodan of SLED delivers a popular presentation "Motivations of the Perpetrator of Violence" on Thursday, September 6 at the Violence Prevention Conference



Keisha Adams, Child Fatality Program Coordinator. DHEC Division of Injury and Violence Prevention looks on as award recipient Sgt. Owens makes remarks

### **The State Child Fatality Advisory Committee Recognized Outstanding Service To Children at the Conference**

The Coroner's Award went to **Rae Wooten** of the Charleston County Coroners Office. Rae Wooten collaborated and participated in the Centers of Disease Control and Prevention's Sudden Unexplained Infant Death Initiative (SUIDI) Project. Rae assisted in developing the SUIDI Reporting Form and national training materials on how to conduct an infant death scene investigation.

The Law Enforcement Award went to **Sgt. Stacey Owens** of Greenville Police Department. Sgt Owen was very meticulous in his child fatality investigation process. His work made it easier for the Committee to understanding the circumstances in the cases that he reviewed. Since 2006, he has served as in the Detective Division as the Violent Crimes Sergeant.



Dr. Clay Nichols, M.D. Chairman of the State Child Fatality Advisory Committee presents **Senator Joel Lourie** a Certificate of Appreciation for the passage of the "Prevention of Underage Drinking and Access to Alcohol Act of 2007" (S.213)



Dr. Clay Nichols presents the "Outstanding Coroner Award" to Coroner Rae Wooten

### The State Child Fatality Advisory Committee Awards



Dr. Clay Nichols presents the "Outstanding Law Enforcement Award" to Sgt. Stacey Owens

## **Executive Summary of the State Child Fatality Advisory Committee Annual Report of 2005**

**The State Child Fatality Advisory Committee (SCFAC) is mandated by S.C. Code 20-7-5920 to identify patterns in child fatalities that will guide efforts by agencies, communities and individuals to decrease the number of preventable child deaths.** As defined by S.C. Code 20-7-5900 a "child" means a person less than eighteen years of age. Any child death under the age of 18 years is investigated when the death is unexpected and unexplained including, but not limited to, possible sudden infant death syndrome (SIDS), as a result of violence, when unattended by a physician and in any unusual or suspicious manner. Cases are reviewed after a thorough law enforcement investigation has been completed. This results in the review of deaths from multiple years simultaneously. The majority of deaths reviewed occurred in years **2003-2005**. In order to accurately identify trends and make recommendations, analysis must be limited to year of death, not review. **For consistency, therefore, in this report child fatalities are analyzed by year. Year 2004 deaths are from the most recent completed database.** Additionally input from other data sources, such as vital statistics and behavioral surveys, add to the complete picture. For deaths occurring in Year 2004, the State Law Enforcement Division (SLED) Department of Child Fatalities provided assistance.

**220** were eligible for review by SCFAC based on the criteria of unexpected and unexplained deaths by the legislative mandate. SCFAC reviewed 100% of the **220** cases. A manner of death determination places each fatality into one of seven main categories: Natural/SIDS, unintentional injury, homicide, suicide, firearm, undetermined and pending.

**Though Motor Vehicle Crashes (MVC) are the number one cause of unintentional injury death among youth, the Committee does not review MVC except as related to injuries on private property or as a pedestrian.** The South Carolina Department of Public Safety (SCDPS) investigates MVC deaths. SCFAC recognizes that MVC represent the largest number of unintentional injury deaths in our state.



The State Child Fatality Advisory Committee, Chaired by Dr. Clay Nichols, MD presented the 2005 Child Fatality Report to Senator Joel Lourie September 5, 2007 at the Data Dissemination Conference held at Brookland Baptist Church Conference Center.

Natural Deaths represent, by far, the largest number of child fatalities reviewed by SCFAC. Most deaths were due to congenital anomalies, genetic disorders, pre-maturity, low birth weight, yet some deaths were preventable. Of those deaths, **78** child fatalities were reviewed by the SCFAC.

SCFAC reviewed **68** (91%) unintentional related child fatalities. Suffocation/strangulation, drowning, and house fires were the leading causes of deaths.

SCFAC reviewed 100% (**22**) of child fatalities caused by homicide. Nineteen (**13**) children died as a result of completed suicides. SCFAC reviewed 100% of suicide cases.

Firearms were used in **17** child fatalities. Handguns were used in 83% (14) firearm related deaths. Firearms were used in 8 homicides and the completion of 6 suicides.

Pending and undetermined deaths represents 37 (17%) child deaths reviewed by the SCFAC.

## Core Recommendations

The SCFAC feels very strongly that the recommendations listed will reduce the number of child fatalities in our state. Many children in our state die a preventable death. With support from the legislature, the child death review process can be made more efficient by focusing on statewide support to keep our children safe and healthy.

**1) State Legislation to Support Local Child Death Review Teams.** *Support for creation, maintenance and participation of county level child death review teams and use of a statewide uniform data system will allow local team's findings, recommendations and actions to be communicated to the SCFAC, allowing the SCFAC to focus on its charge to make recommendations to the governor, legislature and state systems for improvement of children's health and safety.*

As a result of a series of statewide meetings between local and state child death review team members, the SCFAC recognizes that a major critical challenge facing child death review (CDR) in South Carolina is that the current structure of CDR inhibits the state team from more effectively fulfilling its mission. Legislative support of a local CDR teams and use of a comprehensive system of uniform data collection will allow local communities and the SCFAC review deaths in a timely manner, analyze data for prevention purposes and formalize reporting and communication between state and local teams.

The "best practice" model in place in 37 states is one consisting of a state and several local (usually county level) teams. Local teams conduct intensive case reviews and the state team reviews the findings of local teams. Local teams are able to review deaths within days or weeks of the incident. The knowledge of the incident, community, environment and services held by local team members is critical to collecting meaningful data and enacting positive change. State teams may also review selected cases at a local teams request or as a representative sample of a particular issue. This structure allows for a more timely and intensive review of the death (that may include those involved with the case) and for the State team to focus on trends and issues for prevention and policy/legislative recommendations rather than review of *all* individual deaths.

Adoption of a uniform data reporting system aids this process. The SCFAC has adopted use of a data tool provided at no cost by the National Center on Child Death Review. The data tool is available to local teams and provides a way for the local team to summarize data and communicate it to the State team. The State team may then examine the local data in aggregate to share broader trends and findings back to the local level.

### **2) Statewide Safe Sleeping Education**

As outlined in this report, unsafe sleeping practices contribute to the deaths of many of South Carolina's children each year. Through partnering with numerous state and local agencies and organizations (including, but not limited to, Voices for South Carolina's Children, Prevent Child Abuse South Carolina, Safe Kids SC, member agencies of SCFAC, and local CDR teams), the SCFAC is committed to producing an effective education materials and methods for caregivers, childcare professionals and the general public. Please join the effort. Only through partnership and cooperation will the number of deaths associated with unsafe sleeping arrangements decrease.

### **3) Additional Key Recommendations:**

**The SCFAC recognizes many trends through the review process. Though the Committee has chosen to focus on Safe Sleeping as the main focus for prevention in the coming year, other recommendations are commonly stressed at meetings.** Unintentional injury related deaths claimed the lives of 68 children in our state in 2004, in which most deaths were preventable. **Suffocation/strangulation**, alone, claimed 26 lives. Four other common concerns/recommendations are: Suffocation/Strangulation: Children should be supervised and monitored while sleeping and playing to reduce the number of fatalities. According to Safe Kids Worldwide, airway obstruction injury ([suffocation](#), [choking](#), and [strangulation](#)) nationally is the one of the leading cause of unintentional injury-related death among children. These injuries occur when children are unable to breathe normally because food or objects block their internal airways ([choking](#)); materials block or cover their external airways ([suffocation](#)); or items become wrapped around their necks and interfere with breathing (strangulation). The deaths listed in the other category include the wall, pillows, beanbag, couch, mattress/wall, and autoerotic asphyxia.

**Drowning:** Proper signage and locked fences surrounding public and private pools. Pools are very attractive to children. A locked, gated fence surrounding the pool provides a physical barrier between the pool and an unattended child. **Fire Death Prevention:** Each home should have properly placed, working smoke detectors. According to the National Fire Prevention Association, a working smoke alarm in the home can more than double the chances of an occupant surviving a residential fire. In most of the fire deaths reviewed by the SCFAC a smoke detector is not present or presence is unknown. **Firearms:** Proper storage of firearms. Firearms should be stored locked and unavailable to children. SCFAC reviews numerous firearm cases in which the weapon used was owned by the family of the deceased child. **Homicide Prevention:** Prevention programs that target the stresses, life challenges and socioeconomic factors faced by the population

## **Sexual Violence Against Children In South Carolina** **1991-2005**

*The newest compilation of statistics from the SC Department of Public Safety /  
Office of Justice Programs / Statistical Analysis Center edited by **Rob McManus***



The Honorable Sheriff Jim Metts from Lexington both attended & presented at the Media Event



Sid Gaulden, Public Information Director of the Department of Public Safety and The Honorable Sheriff Leon Lott of Richland County await the media event at the State House

### **The Report was presented at a Media Event in August on the State House Steps**

“This report is designed to provide information about the victims of, the offenders who commit, and the circumstances associated with, sexual violence against children. The purpose of the report is to objectively shed light on a serious problem which generates strong emotional reactions. Hopefully it will serve to inform both policy makers and citizens about the nature and extent of sexual violence against children and the clarify misconceptions about this serious problem.”

This report and many others of interest to victims & victim advocates may be accessed at  
<http://www.scdps.org/ojp/statistics.asp>

#### **Summary**

There are several findings of note in this report. First and foremost is the degree to which children are the victims of sexual violence. Nearly two-thirds of all victims of sexual violence were under the age of 18. Among children, the highest victimization rate was among 10 – 14 year olds. Although girls were the primary target of sexual violence against children, 17.4% of child sexual violence victims were boys. Sexual violence victimization rates did not vary greatly by race. The victimization rate for White girls were higher than for Non-White girls just as the victimization rate for White boys was higher than the rate for Non-white boys. However, some of the rate differences by race diminished when age was taken into account.

The analysis of the relationship between victims and offenders was revealing in several aspects. Sexual violence by strangers against children was relatively uncommon, accounting only for 8.9% of the total. Offenders known but not related, married or linked romantically to the victim accounted for 57.6% of the total. The degree to which sexual violence against children is a family matter (31.8%) especially compared to victimization by strangers was a particularly important finding. Sexual attacks against children by their parents or step-parents were 46.2% more frequent than sexual attacks by strangers. Similarly, sexual violence against children by other family members such as aunt, uncles, cousins, etc. was 39.2% more frequent than sexual violence by strangers.

Other aspects of the child sexual violence victim/offender relationship are also worth noting. Offenders were considerably older than the victim, nearly a third (32.2%) were more than 20 years older than the victim. Males attacking girls accounted for 79.8% of the total and males attacking boys accounted for 14.8% of the total. Weapon involvement was limited, with hands, feet and fists accounting for 91.6% of all weapons. Dangerous weapons such as firearms, knives and blunt objects accounted for only 2.4% of weapons. The involvement of alcohol and drugs was also comparatively low. Only 7.5% of sexual violence offenses against children involved alcohol or drug use by the offender, compared to 22.1% of sexual violence against adults.

Possibly one of the more revealing findings concerns the time of day during which sexual violence against children occurs. The time pattern for sexual violence against children is quite different from the time pattern for sexual violence against adults. Children were most likely to be victimized at midnight, followed by three lesser peak times 8:00 to 8:59 in the morning, noon to 12:59 PM and 3:00 to 3:59 in the afternoon. Each of these peak times revealed a different set of circumstances associated with the attack.

During the midnight hour, children were most likely to be victimized by a family member and at a private residence. From 8:00 to 8:59, children were most likely to be attacked by an offender known but not otherwise linked to them. Attacks occurred most often in a private residence, however more than twice as many attacks occurred at school during this hour than was the case overall. From noon to 12:59 PM, family members and “known” offenders were responsible for 93% of sexual violence.

Although most attacks were reported at private residences, more (10.5%) attacks were reported at school during this hour, a larger percentage than were reported at schools overall (6.6%). From 3:00 to 3:59 PM, attacks by family members were less likely than usual and attacks by offenders “known” to the victim occurred more often than overall. Private residences were again the most frequent location of attacks, but once again, schools were reported as an attack location nearly twice as often as was the case overall.

Some of the findings have clear implications. The peak times of 8:00 to 8:59 in the morning and 3:00 to 3:59 in the afternoon coincide with children transitioning to and from school, or possibly day care. The findings concerning noon to 12:59 PM peak are less clear. Although a greater proportion of these victimizations are reported at school than at all times, the majority still occur at a private residence and family members account for a large percentage of these attacks. Here it would be helpful to be able to identify what private residence in which the attack occurred, e.g., the victim’s home, the offender’s home, a mutually shared residence, etc., however that level of information is not collected.

The circumstances for the peak time of midnight, describe a situation of violent sexual victimization by family members at a private home. The drastic drop off of sexual violence against children after the midnight hour, compared to the gradual decline in adult victimization, is puzzling. It is possible that this reflects a level of reporting inaccuracy, stemming from children in stressful situations, not accurately recalling specific times and generalizing late night or early morning attacks as occurring at midnight. Of course, there may be alternative explanations that would explain the peak of victimizations at midnight and the subsequent marked decline.

Of the overall findings, several have important child safety implications. One such finding is the identification of peak times during which children are at risk along with the circumstances of the attack. Children tended to be sexually attacked late at night (midnight), on their way to school, leaving school and at lunch time. Each peak time had a different set of circumstances regarding the victim/offender relationship and the location of the attack. The circumstances of each peak time suggest preventive measures that might reduce sexual attacks against children.

Likewise, the finding that attackers were usually older males, often much older, and either related or known to the child, who usually act alone, also has implications for prevention. Measures to minimize situations where children, particularly girls, are left alone with older males might also reduce sexual violence against children. Finally, although stranger danger, i.e., sexual violence by strangers, is and should remain a concern, it was not a major contributor to the overall problem. **Rather, the findings suggest that it is often a crime of betrayal and that those who should be expected to protect children from sexual predation are themselves preying upon them.**

***The Summary is taken from the Report compiled and authored by Rob McManus of the Department of Public Safety***

Plans for the SC Crime Victims' Memorial Garden and "Pathway to Remembrance" are moving along rapidly. The Garden is located off of Huger Street in downtown Columbia, South Carolina above the parking lot for Riverfront Park. The plans include brick walkways inscribed with crime victim's names and a half-moon reflection pond and fountain to provide a peaceful environment for crime victims and their loved ones. Mail forms to: SC Crime Victims' Council at 1900 Broad River Road, Columbia, SC 29210-7047. The forms will soon be available on our web site at WWW.SCCVC.ORG.

## **The SC Crime Victims' Memorial Garden Purchase Form**

Name of Purchaser: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ Cell \_\_\_\_\_ email \_\_\_\_\_

I want to be notified of future events

Brick may be engraved with 2 lines / no more than 18 spaces per line:

**First Line:** Name of person or Entity \_\_\_\_\_

**Second Line:** Message / Dates \_\_\_\_\_

Crime Victim Status:  Survivor  Deceased

Nature of Crime: Check all that apply

- |  |   |
|--|---|
| <input type="checkbox"/> Murder  | <input type="checkbox"/> Arson                                |
| <input type="checkbox"/> CDV   | <input type="checkbox"/> Kidnapping                           |
| <input type="checkbox"/> Sexual Assault: <input type="checkbox"/> Child <input type="checkbox"/> Adult | <input type="checkbox"/> Carjacking                           |
| <input type="checkbox"/> Theft   | <input type="checkbox"/> Home Invasion                        |
| <input type="checkbox"/> Terrorism   | <input type="checkbox"/> Internet Crime                       |
| <input type="checkbox"/> Campus Crime  | <input type="checkbox"/> Identity Theft                       |
| <input type="checkbox"/> Vulnerable Adult  | <input type="checkbox"/> Contributing /Delinquency of a Minor |
| <input type="checkbox"/> Elder Abuse   | <input type="checkbox"/> Lewd Act on a Minor                  |
| <input type="checkbox"/> Human Trafficking   | <input type="checkbox"/> Child Exploitation                   |
| <input type="checkbox"/> DUI: <input type="checkbox"/> Injury <input type="checkbox"/> Death           | <input type="checkbox"/> Workplace Violence                   |
| <input type="checkbox"/> Child Abuse   | <input type="checkbox"/> Other                                |
| <input type="checkbox"/> Stalking /Harassment  | _____   |
| <input type="checkbox"/> Assault   | _____   |

Individual Brick: \$100 \_\_\_\_\_ # Total: \$ \_\_\_\_\_

Decorative Bench: \$500

5 foot Ornamental Tree \$ / Market Value Type of Tree: \_\_\_\_\_

Plaque / Market Value

Method of Payment:

Cash  Check  Credit

**See Page 21 for Examples of Items**

All Checks payable to: **Crime Victims' Memorial Garden**  
Mail to: **1900 Broad River Road / Columbia, SC 29210**  
Contact: **803 772 2771 / [WWW.SCCVC.ORG](http://WWW.SCCVC.ORG)**

SC Department of Corrections  
Receives a \$1,250,00 Grant  
awarded by the Bureau of Justice  
Assistance, US Department of  
Justice,  
Office of Justice Programs



Barbara Grissom, Director: Division of Victim Services for DOC, explains the SAVIN Grant as DOC Director Jon Ozmint listens.



Probation, Parole and Pardon Director, Sam Glover talks to the Media about the SAVIN system



Director Jon Ozmint talks to the media as law enforcement members stand in support

Recognizing the need for greater collaboration and cooperation across justice systems, geographic jurisdictions and agencies responsible for the implementation of victims' rights, the State of South Carolina plans to utilize a \$1,250,000 grant to manage the implementation of a Statewide Automated Victim Information and Notification (**SAVIN**) program over a 24 month period.

This 50% matching grant will result in \$2.5 million dollars being invested in expanding and improving services to crime victims through automation. Automated victim notification links agencies, programs and practices, reduces redundant efforts, fulfills statutory obligations, and fills in the gaps in service delivery.

The SC Department of Corrections will serve as the grant recipient and lead agency providing oversight of the project. Participating agencies will include local detention centers, the SC Department of Probation, Parole and Pardon Services. A **SAVIN** Governance Committee will be appointed.

Request for Proposals from vendors are expected to be mailed out in the next month.

## "Message from the President"



Jackie Olsen & her Mother with  
Representative Murrell Smith of Sumter  
as Jackie presents Representative Smith with the  
"Outstanding Legislator of the Year 2005"  
at VRW for the passage of  
"Mary Lynn's Law"

With crime infiltrating our society like a cancer, our new organization, the South Carolina Crime Victims' Council, will try to insure equal and consistent treatment for all crime victims and/or their survivors. It's really exciting to be on the front end of this new group, thanks to the brainchild, Laura Hudson. Laura's tenacity and her heart for people are assets wherever she goes but especially dealing with people whose lives have been crippled by crime. She gave me the drive several years ago after the murder of my sister, Mary Lynn Witherspoon, to dig myself out of that grieving hole and turn my energies into something positive. Thanks to Laura and to the strength given to me by our Lord and Savior, I look for every opportunity to help other crime victims or their survivors, and I feel like I'm doing it in the name of Mary Lynn. Our new organization gives me the perfect avenue to continue my mission.

The anticipation of the Memorial Garden, another wonderful idea from the brainchild, Laura, will soon be popping its head up. We can all look forward to that place of serenity, a place "away from it all," where we can go and reflect on the happy memories of our loved ones; a pretty place where the ugliness of crime will have no place.

Get involved. Make a difference. Be that "someone" who steps out of his comfort zone and makes that special effort to replace revenge with something positive. Believe me, it goes much further.

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

Editor: Laura Hudson

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All contributions are tax deductible

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

Those desiring to contribute should consult the web site for deadlines. This edition is the summer of 2007, the next publication will be Fall of 2007 with an expected publication date of November 15.

# The Crime Victims' Memorial Garden and Pathway Of Remembrance

Examples of Plaques, Trees, Bricks and Benches Available



Example of Memorial Garden Bench. Each Bench is \$500 including a plaque attached to the back slat.



Memorial Garden Example of Yoshima Cherry Tree with Stone Plaque \$ 500.



Example of Memorial Garden Crepe Myrtle Tree including a plaque on stone for \$500



Memorial Garden example of a stone plaque