



A PUBLICATION OF THE SOUTH CAROLINA CRIME VICTIMS' COUNCIL
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Garden Plans Continue To Move Forward



All of the bids are in on creating the fountain, the feature project at the east end of the property. **Southeastern Stone of Columbia** has received the winning bid and is ready to start the project as soon as we have raised enough money. Crime victims and their loved ones are continuing to purchase bricks. Four of the benches have been purchased & several trees are spoken for. The fountain, according to our experts should be constructed before we start laying the brick. **The Department of Corrections with the support of Jim Hudson Toyota** has printed a beautiful brochure for distribution. If you want copies of the brochure, please call the office at 803 413 5040.

Information about the Garden & forms for purchasing brick, benches, plaques and plants are on the web site: WWW.SCCVC.ORG

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Mary Lynn's Story

The day was unseasonably warm—a Friday afternoon---a group of my former colleagues were celebrating the 50th birthday of my very good friend. My cell phone rang and I couldn't get to it in time so I thought I'd just return the call after the party. On my way home, my phone rang again. My mother had been frantically trying to reach me. She had gotten a call from my niece that my sister never showed up at work that morning where she taught French to children in kindergarten through 8th grade. Her principal and another teacher went to her home after making several unsuccessful attempts to reach her by phone. When they arrived at her home, nothing looked different. Everything was normal looking and her car was gone. They returned to the school and called the people listed on her emergency card in the front office, one of whom was her daughter who lived in Rock Hill at the time. We knew Mary



Mary Lynn Witherspoon / Age 52

Lynn would never fail to show up for work without calling in. Red flag—we knew something terrible was wrong. Totally panic-stricken, we were frantically calling each other, feeling absolutely helpless and desperate to find her.

Her daughter told the detective to take a locksmith to her house to see if they could determine where she might be. I'll never forget the moment when I received the call that her body had been found in her home in the upstairs bathroom in a tub of water. I collapsed on the floor of the garage and screamed uncontrollably. My husband drove me down to Summerton so we could tell my mother, who was living alone. The ride down there seemed hours-long. My emotional breakdown led to hyperventilation. My body, my legs were numb. I couldn't walk when we got to my mother's house. Traumatic grief had set in and I was totally submerged in shock. Our very first thought was ---"Where's Tenant?"

After years of being stalked, Mary Lynn became the victim of burglary in June of '03. Tenant broke into her laundry room stealing her clothes and undergarments. An arrest was made for burglary and probation violation, which also included a description of on-going stalking behavior. At her request Mary Lynn was registered as a victim with the VINE system, an automated victim notification system used by Charleston County (and several other counties in South Carolina). Automated systems work by linking a central server computer, via telephone lines, to existing systems in jails, courthouses, prosecutor's offices, probation & parole offices, and prisons.

Charleston law enforcement warned Mary Lynn of the offender's escalating violent behavior. She had spoken with the neighborhood team policemen on many occasions regarding the stalking incidents. She took precautions to protect herself---changing all locks, adding extra deadbolts to the doors and locks on the windows, having a sophisticated alarm system installed in her home, and carrying pepper spray with her. She never took out a restraining order, fearing retaliation and also disliking confrontational issues. Furthermore, Tenant had violated probation numerous times before. What would make him obey a restraining order? After serving 3 months in the Charleston County Detention Center, Tenant was released on orders from the county Mental Health Court. At the time of his release from the detention center, he was holding in his hands an inch-thick manifesto which contained, in his handwriting, his plans to kill Mary Lynn, refinance her house to establish it as his residence, and to take on her identity. After the murder, he even used her credit card to order cross-dress clothing, paraphernalia, and a wig of her hair color.

After his release on the morning of November 10th, obviously using no system of checks and balances, a clerk with the victim's advocates program in the Charleston County Sheriff's office entered incorrect information into the automated system, notifying Mary Lynn that Tenant had been transferred to the South Carolina Dept. of Corrections. Tenant was, in fact, transported to the Department of Mental Health and released, alone, to undergo outpatient evaluation and treatment. He spoke briefly with a counselor, giving his address as 165 Tradd Street, Mary Lynn's

address. He was told to return on Wednesday, Nov. 12 to begin outpatient evaluation and treatment. He didn't show up. No one notified Mary Lynn, the victim, or the courts or the detention center. This stalker and convicted criminal, who was clearly obsessed with Mary Lynn and whose crimes had escalated over the previous 18 months, had been poorly defined as a candidate for out-patient mental health treatment, a diversion program. He was in total noncompliance. Who was responsible for monitoring this criminal? Shouldn't the agency of the diversion program be held responsible for notifying the victim? Was there any transfer of information concerning the previous arrests and incarcerations of this offender?

After the automated notification system attempted calls to notify Mary Lynn with the incorrect information on Nov. 10th, a follow-up letter was generated in the sheriff's office (never any personal contact) giving a print-out of the same information which is entered into the automated system. This poorly designed form letter containing the incorrect information dated Nov. 10th, postmarked Nov. 13th, was delivered to Mary Lynn's house on November 15th, the day after she was murdered.

After Tenant tortured and murdered my sister, he stole her car and many of her personal items. With no prior identification of his own, he obtained from the DMV a new driver's license with Mary Lynn's address on it.

Tenant was apprehended less than 24 hours later as he returned to the scene of the crime. He later pleaded guilty and is serving a sentence of life without parole.

Losing my sister as a victim of a heinous crime has been a life altering experience for me, her entire family and her many friends. Hopefully, "Mary Lynn's Law" will help prevent the many tragic errors that made crime so easy for the perpetrator.



EDITOR'S COMMENTS

There are many heroes and heroines in the fight for crime victim rights. Few are as brave and dedicated as Jackie Olsen, the sister of Mary Lynn Witherspoon. Since the tragic death of her sister, Jackie has devoted many hours of her time to the passage of new legislation and public policy. Jackie visited me and others in trying to determine why her sister was not protected by those tasked with protecting her rights as a victim and we discovered that every law enforcement entity, every judge, every court order that touched the case, failed in some way to protect Mary Lynn. Jackie was determined that no one else should experience what her sister and her family had at the hands of the criminal justice system...a system that was supposed to help, not further victimize. Jackie began a journey into a system not familiar to her and little understood by most citizens and even attorneys in SC.

Jackie Olsen and her husband Tom live in Sumter. Their representative is the **Honorable (GM) Murrell Smith**. In 2004, Representative Smith listened to Jackie with sympathy and



Representative Murrell Smith, (R) of Sumter, District 67, author of H. 3543 and friend

compassion and realized that law needed to be changed concerning crime victim rights. Rep. Smith quickly responded to Jackie's plight and introduced a bill, **Mary Lynn's Law**, House Bill 3543, that changed both the notification requirements for crime victims, Title 16, Article 15 and increased the penalties for stalking and harassment offenses. Highlights of the law follow: **Diversions Programs** Among other things, **H. 3543 (GM Smith, Weeks)** limits defendant participation in diversionary programs such as mental health court and drug court. The law provides that (1) a person



Jackie Olsen, President of the SC Crime Victims' Council seen leading the Council meeting February 15, 2008

with a current charge or a prior conviction for a violent offense or a harassment or stalking offense, or (2) a person subject to a restraining order or valid order of protection, or (3) a person currently on parole or probation for any offense, or (5) **if the consent of the victim has not been obtained**, then that person may not be considered for a diversion program. These provisions do not apply to a program administered by the South Carolina Prosecution Coordination Commission or by a circuit solicitor.

Victim Notification

The law makes numerous revisions with regards to victim notification. Diversionary programs, except a diversionary program administered by the South Carolina Prosecution Coordination

Commission or a circuit solicitor, must make reasonable attempts to notify the victim of a crime prior to the defendant's release from the program, unless the defendant is released to a law enforcement agency.

In every case where there is a court-ordered or mandatory mental evaluation, which takes place in an inpatient facility, **the organization or facility responsible for the evaluation must make reasonable attempts to notify the victim of the crime prior to the defendant's release from the facility, unless the defendant is released to a law enforcement agency.**

Notification of a victim may not be only by electronic or other automated communication or recording. However, after three unsuccessful attempts to reach a victim by electronic or automated communication or recording, the appropriate agency or division shall attempt to make personal contact with the victim.

A department or agency having custody of a person accused, convicted, or adjudicated guilty of committing a crime involving a victim, must inform each victim, upon request, before any transfer of the person to a less secure facility or to a diversionary program. These provisions do not apply to transfers to other law enforcement agencies and transfers to other non-law enforcement locations if the person remains under security supervision. All victims, upon request, must be notified of interdepartmental transfers after the transfer occurs. Notification to a victim may not be only by electronic or other automated communication or recording, except in the case of interdepartmental transfers.

A law enforcement agency, upon effecting the arrest or detention of a person accused of committing an offense involving a victim, must also provide to a mental health facility the appropriate contact information for each victim.

Victim Impact Statements

The new law makes changes with regards to victim impact statements. The law now requires that in cases in which the sentence is more than 90 days, the prosecuting agency must forward as appropriate and within 15 days, a copy of the victim's impact statement. The bill requires the prosecuting agency to maintain the victim's original impact statement. The victim impact statement must not be provided to the defendant until the defendant has been adjudicated, found guilty or has pled guilty. The victim's impact statement and its contents are not admissible as evidence in any trial.

Stalking and Harassment

The new law makes substantive changes with regards to the criminal offenses of stalking and harassment. **H.3543** creates the offenses of harassment in the first degree, harassment in the second degree, as well as redefines the offense of stalking. Penalties are outlined for violations. There are exceptions for licensed private investigators and electronic mail service providers. **The law authorizes a law enforcement officer or another person with knowledge of the circumstances to sign a warrant in place of the victim for a person alleged to have committed a harassment or stalking offense.**

Prior to setting bail, a magistrate or municipal judge may order a defendant charged with harassment in the first or second degree or stalking to undergo a mental health evaluation.

The purpose of this evaluation is to determine if the defendant needs mental health treatment or counseling as a condition of bond.

The evaluation must be scheduled within 10 days of the order's issuance. Once the evaluation is complete, the examiner must, within 48 hours, issue a report to the local solicitor's office, summary court judge, or other law enforcement agency. Upon receipt of the report, a bond hearing must be arranged before a circuit court judge or the summary court judge. **H.3543** requires at a bond hearing that the court shall have, if available, all incident reports generated as a result of the offense charged and a copy of the defendant's criminal record.

Before sentencing a person convicted of stalking or harassment in the first or second degree, the court may require the person to undergo a mental health evaluation. The evaluation may not take place until the facility conducting the evaluation has received all of the necessary documentation. If the evaluation results in the unsupervised release of the person, the victim must be notified prior to the person's release. All reasonable efforts must be made to notify the victim personally. **Under this law, a person convicted of a violent offense, harassment or stalking offense or a burglary offense is not eligible for work release.**

Restraining Orders

The new law authorizes magistrate's court to assess a filing fee against the nonprevailing party in an action for a restraining order. The court may hold a person in contempt of court for failure to pay this filing fee. A restraining order remains in effect for a fixed period of time for not less than one year, as determined by the court on a case-by-case basis. A restraining order issued by a court must not contain the social security number of a party to the order and must contain as little identifying information as necessary of the party it seeks to protect.

Effective Dates

Section 11 of the Bill which appointed a task force committee to study mental health court designs throughout the state went into effect on the signature of the Governor. The committee met several times with no recommendations and was dissolved in 2006. The remainder of the bill became law **January 1, 2006.**

H.3543 (R135) was ratified on May 26, 2005 and signed into law by the Governor 06/01/05.

Jackie Olsen continues to lead the state in seeking balance for crime victims within the criminal justice system of South Carolina. As chairperson of the SC Crime Victims' Council, Jackie conducts fund raising for the Crime Victims' Memorial Garden and Pathway to Remembrance in downtown Columbia. She is an outstanding spokesperson for crime victim views and is using the tragic circumstances surrounding her sister's stalking and murder to bring public awareness to the unique challenges that a victim / survivor / thriver faces in our state. Jackie is a woman of faith, a promoter of hope and an inspiration to many.

Representative George Murrell Smith, Jr. (R) District 67, Clarendon-Sumter) continues to introduce and support crime victim legislation and uses his position as Chairman of the Criminal Law Subcommittee of the House Judiciary to better the laws for all South Carolinians.

Special Appreciation

Crime Victims experienced a productive 2 years in the General Assembly that just receded. Many pieces of legislation that are summarized in the following pages will greatly affect the judicial system in the coming years. There are many individuals that deserve special praise for their leadership this past year in making sure that legislation made it through the process to be passed into law and many who made great effort, but where not successful due to opposition, apathy of others and time constraints.

Driving Under the Influence Legislation

Governor Mark Sanford: Thanks for his leadership in the passage of new DUI policy (see page for summary of H.3496).The Governor's representative, **Jeff Schilz**, coordinated many proponents into a sensible oneness of thought. **DPS Director, Jim Schweitzer**, braved many a meeting and held steadfastly to reason. **Solicitor Trey Gowdy** deserves special kudos for his and **Barry Barnett's** outspoken comments and leadership from the upstate Spartanburg County Solicitor's Office. **Jeff Moore, Executive Director of the Sheriff's Association:** Much of the success of the finished language goes to Jeff's ability to "herd cats" and provide space for our meetings. His leadership has stellar. **MADD of SC** deserves great praise for the 3,000 signatures gathered, all of the phone calls and personal contacts made to individual members of the GA and the sharing of their personal tragedies in the public arena. Thanks to MADD SC Staff: **Traci Thompson & Juliet Smith** for the endless e-mails. **Val Valenta, Department of Motor Vehicles:** How many questions did the man answer, how many paragraphs did he rewrite, how many insults hurled at him from the members of the defense bar? Much thanks to both **Val** and **Charlie Sheppard** from DPS for their incredible knowledge of DUI law. Many thanks to SLED Forensic Services, especially **Corbett Lewis**. Who braved the endless "cross-examination of the members of the bar. Also thanks to **Terecia Wilson** of the DOT for her research ,**Lee Dutton** of DAODAS, and many others that worked hard to see H. 3496 through.

The Heroes of the General Assembly were numerous. Many thanks to the entire House for delivering a good bill. Representatives **Murrell Smith, David Weeks, Scott Talley** were on the final conference committee, & **Senators Jake Knotts, Brad Hutto & Larry Martin** represented the Senate. **Senator Larry Martin** chaired the Conference Committee that cobbled the House and Senate versions into a cohesive whole & led the entire Senate debates. **Senators Massey, Sheheen, Lourie, Campsen and Ceips** contributed to the Senate version. Counsel for the Senate Judiciary, **J.J. Gentry** & Counsel for the House Judiciary, **Bonnie Goldsmith**, worked endless hours ...we all express appreciation for their hard work.



DUI Conference Committee members: Senators Jake Knotts of Lexington, Brad Hutto of Orangeburg & Larry Martin, Chairman of the Committee go over the complicated side by side document of H. 3496. Differences in the 2 versions were meshed to form the finished Bill.



Representative Murrell Smith ponders the side by side versions of H. 3496. Not his most attractive look...but effective!

Summaries of Crime Victim Legislation for 2008 Session

Assembled by Laura Hudson from the Statehouse Reports / SCCVC

"FINANCIAL IDENTITY FRAUD AND IDENTITY THEFT PROTECTION ACT"

The General Assembly approved legislation creating the "Consumer Identity Theft Protection Act." Highlights of the legislation include the following.

Consumer Provisions

The legislation requires address verification for credit card applications. Additionally, the legislation removes language requiring an issuer of a credit card to get parental consent prior to issuing a card to a person under the age of 21.

A consumer may place a freeze on his credit information. A consumer reporting agency cannot charge a fee for invoking a freeze, removing a freeze, temporarily lifting a freeze, or reinstating a freeze. Placing a freeze on a consumer's report does not prevent someone from being able to get information concerning criminal records; fraud prevention or detection; personal loss history; or employment, tenant, or individual background screening.

The legislation changes the definition of "personal identifying information" to make South Carolina's definition the same as the definition used by the majority of other states.

Law Enforcement Provisions

Local law enforcement must report an identity theft, if contacted by a suspected victim.

The State Law Enforcement Division is required to maintain an identity theft database.

Business Provisions

The legislation prohibits a person from posting, printing, transmitting, selling, or exchanging a social security number or a portion that consists of six digits or more unless there is written authorization, there is a legitimate business or government purpose that provides a benefit, or for other specifically permitted reasons.

Businesses are restricted from printing the last five digits of a credit card number or the card expiration date on a receipt.

Businesses and state agencies that own or license computerized personal identifying information are required to disclose a breach of the security system should one be suspected.

A person conducting business in this State may notify consumers of a security breach by email or by telephone if those are the person's primary means of communication.

When a business disposes of a business record that contains personal identifying information, the business shall modify, by shredding, erasing, or other means, the personal identifying information to make it unreadable or undecipherable.

Judicial Remedies

A victim may petition a circuit court for a judicial determination of innocence and an expungement of record.

It is unlawful for a person to obtain another's identity by rummaging through personal, household, or commercial garbage.

Consumer Reporting Agencies

A consumer reporting agency must give notice to each creditor who uses a consumer report if the agency becomes aware that an application to a card issuer to open a new seller or lender credit account bears an address for the consumer that is different from the address in its file of the consumer.

A consumer reporting agency must remove all false information from a credit report, if the agency receives notice from the consumer to do so. If an agency violates this section, it is liable for three times the actual damages or \$5,000, whichever is greater. If the agency negligently violates this section, it is liable for actual damages or \$3,000 for each incident, whichever is greater.

STATUS: The General Assembly approved S.453 (R.202), and the Governor signed the legislation into law on April 2, 2008 (Act No. 190).

GROUP CHILDCARE HOMES

This legislation requires the owner or operator of a group childcare home and family childcare home in South Carolina who does not carry liability insurance to notify each enrolled child's parent or guardian of that fact no later than January 1, 2009. The owner or operator must obtain signed statements from each enrolled child's parent or guardian, indicating notice was received regarding the lack of liability insurance. The childcare facility must maintain a file of the signed statements for the period of time the child is enrolled. The parent or guardian of any new child enrolled after June 30, 2008, must receive this information and sign a statement at the time of enrollment. If a childcare facility has liability insurance that lapses or is cancelled the owner or operator must notify and obtain signed statements from the parents of the enrolled child no later than thirty days after the liability insurance lapses or is canceled.

The legislation also includes based background check along with the State and Federal fingerprints review and a Central Registry check for childcare facility employees.

A childcare facility may provisionally employ or provide provisionally caregiver services after a favorable name and date of birth based background check, along with an executed sworn statement that he or she has not been convicted of perpetrated abuse or neglect upon a child. A person provisionally employed must be under supervision of a non-provisionally employed person at all times when providing direct care to children. The provisional status must be repealed if the requests for the State Law Enforcement Division fingerprint review, the Federal Bureau of Investigation fingerprint review and the Central Registry check are not submitted by the end of the next business day after the person was employed. The results of the fingerprint-based background checks are valid and reviews are not required to be repeated unless a person is not employed or does not provide caregiver services for one year or longer. As a result, for provisional employment, the State Law Enforcement Division must complete the Central Registry check within two business days after receipt of the request. If an operator or a childcare violates the provisional requirements, for a first offense, the facility may not employ a person provisionally for the succeeding twelve months. For second and subsequent offense, the facility may not employ a person provisionally for twenty-four months. The penalty applies to any facility that may employ the director of the facility during the period of suspension.

An owner or operator of a childcare center or group childcare home, must notify and obtain signed statements from parents or guardians of each child

Enrolled that the facility may provisionally employ a person when an unexpected staff vacancy occurs.

STATUS: Having passed the General Assembly, S.311 (R.299) was signed into law by the Governor on June 4, 2008.

The following Bill, S. 429 contains three distinct parts that were meshed together in the waning moments of the General Assembly:

“ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT” AND THE “PRESERVATION OF EVIDENCE ACT” (THE INNOCENCE PROJECT LEGISLATION)

“Access to Justice Post-Conviction DNA Testing Act”

As passed by the Senate, this legislation applies only to certain criminal offenses, including, but not limited to, murder and criminal sexual conduct. This legislation allows a person who has pled not guilty to an applicable offense, was subsequently convicted of or adjudicated delinquent for the offense, is currently incarcerated for the offense, and asserts that he is innocent of the offense to apply for forensic DNA testing of his DNA and any physical evidence or biological evidence related to his conviction or adjudication. The application must be made no later than seven years from the date of sentencing. The application must be made on such a form as prescribed by the Supreme Court, and the legislation outlines what information should be included in the application. The application must be verified by the applicant and filed under the original indictment number or petition with the clerk of court of the general sessions court or family court in which the conviction or adjudication took place. The clerk must forward the application to the solicitor, and the solicitor must notify the Attorney General and the custodian of the evidence. The victim must receive notification. The solicitor must respond to the application within 90 days. The application must be heard in, and before a judge of, the general sessions court or family court in which the conviction or adjudication took place. If DNA testing is ordered, the applicant must pay the cost of that testing unless the applicant is indigent. These provisions do not prevent relevant parties from consenting to and conducting post-DNA testing by agreement. The applicant, Attorney General or solicitor may use the results of the DNA testing in any post-conviction proceeding or trial.



Senator **Gerald Malloy** of Darlington provided leadership for the passage of S. 429, the DNA behemoth bill that barely made it out of Conference Committee. The attachment of S. 890 to S. 429 is possibly the most important piece of legislation this year for the prevention of crime.

“Preservation of Evidence Act”

As passed by the Senate, this legislation requires a custodian of evidence to preserve all physical evidence and biological evidence related to the conviction or adjudication of a person for certain criminal offenses. The legislation includes timeframes for which the evidence must be preserved. Under certain circumstances, the custodian of evidence may petition the general session court or family court for an order allowing for the disposition of the physical evidence or biological evidence.

A person who willfully and maliciously destroys, alters, conceals, or tampers with physical evidence or biological material that is required to be preserved pursuant to these provisions with the intent to impair the integrity of the physical evidence or biological material, prevent the physical evidence or biological material from being subjected to DNA testing, or prevent the production or use of the physical evidence

or biological material in an official proceeding, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 dollars for a first offense, and not more than \$5,000 dollars or imprisoned for not more than one year, or both, for each subsequent violation.

The House of Representatives amended the legislation on June 5, 2008, to among other things include the provisions of the "Unidentified Human Remains DNA Database Act." The Senate subsequently amended the legislation on the same day to include the provisions of the "South Carolina Protection From Violence Against Women And Children" (DNA Samples For Inclusion In The State DNA Database).

"UNIDENTIFIED HUMAN REMAINS DNA DATABASE ACT"

As passed by the House of Representatives, this legislation allows family members of a missing person to submit DNA samples to the State Law Enforcement Division (SLED). If the person is missing 30 days after a missing person report has been submitted to the Missing Person Information Center, SLED must conduct DNA identification, typing, and testing on the family members' samples. SLED may, within its discretion, conduct DNA identification, typing, and testing on the family members' samples prior to 30 days if SLED determines that such activity is necessary. If SLED does not have the technology necessary for a particular method of DNA identification, typing, or testing, SLED may submit the DNA samples to a Combined DNA Indexing System (CODIS) laboratory that has the appropriate technology. The results of the identification, typing, and testing must be entered into CODIS.

Upon notification by the Medical University of South Carolina (MUSC) or other facility preserving the body of an unidentified person that the body remains unidentified after 30 days, SLED must conduct DNA identification, typing, and testing of the unidentified person's tissue and fluid samples. SLED may, within its discretion, conduct prior to 30 days if SLED determines that such activity is necessary. The results of the identification, typing, and testing must be entered into the CODIS. A coroner performing an autopsy on an unidentified body must obtain tissue and fluid samples suitable for DNA identification, typing, and testing. The samples must be transmitted to SLED. If the body cannot be identified through reasonable efforts, the coroner must forward the body to MUSC or other suitable facility for preservation. If the body remains unidentified 30 days after the coroner forwarded the body, MUSC or other facility preserving the body must immediately notify SLED. If the body has not been identified within 30 days after SLED has entered the unidentified person's DNA profile into CODIS, MUSC may retain possession of the body for its use and benefit or return the body to the coroner of the county where death occurred for disposition as provided by law. A facility other than MUSC utilized by the coroner for storage of an unidentified body may dispose of the body as provided by law or return the body to the coroner of the county where death occurred for disposition.

"SOUTH CAROLINA PROTECTION FROM VIOLENCE AGAINST WOMEN AND CHILDREN" (DNA SAMPLES FOR INCLUSION IN THE STATE DNA DATABASE)

This legislation provides for the expansion of the State DNA Database. As passed by the Senate, this legislation provides that a person must provide a DNA sample, either saliva or tissue sample, following a lawful custodial arrest, direct indictment, or courtesy summons for a felony offense that is punishable by a sentence of five years or more, or eavesdropping, or peeping, or stalking. The legislation outlines procedures whereby law enforcement may take the sample. The State Law Enforcement Agency (SLED) 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 or reduced below the requirement for inclusion in the State DNA Database, then the person must have his DNA record and profile expunged from the State DNA Database. The solicitor must notify the person and SLED in writing of the person's eligibility to have his record expunged, and SLED must begin the expungement procedure. 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 per-

sons convicted or, pleading guilty or no contest to, or forfeiting bond for the crime for which they were arrested. The legislation also increases criminal penalties for the willful disclosure or authorization of disclosure of DNA information to a person or agency not entitled to receive the information. ***The Senate added these provisions to S.429 on June 5, 2008.***

STATUS: Having passed the Senate and House of Representatives in differing versions, a conference committee containing all three of the above bills was accepted by both bodies on June 25, Ratified (R429) . ***Governor Sanford, in a short sighted act of hubris, vetoed S. 429 July 2. The General Assembly is expected to override the veto between now and January.***

ADMINISTRATIVE LAW COURT HEARINGS, PROCEEDINGS AND STAYS

Unless otherwise provided by statute, the standard of proof in a contested case is preponderance of the evidence. The South Carolina Rules of Evidence apply in all contested case proceedings before the Administrative Law Court (ALC). Notice of the contested case hearing must be issued in accordance with the rules of procedure of the ALC.

A full and complete record must be kept of all contested cases and regulation hearings before an administrative law judge. All testimony must be reported, but need not be transcribed unless a transcript is requested by a party. The party requesting a transcript is responsible for the costs involved. Proceedings before administrative law judges are open to the public unless confidentiality is allowed or required by law. The presiding administrative law judge shall render the decision in a written order. The decisions or orders of administrative law judges are not required to be published but are available for public inspection unless confidentiality is allowed or required by law.

Review by an administrative law judge of a final decision in a contested case, heard in the appellate jurisdiction of the ALC, must be in the same manner as prescribed in Section 1-23-380(A) for judicial review of final agency decisions with the presiding administrative law judge exercising the same authority as the court of appeals, provided that a party aggrieved by a final decision of an administrative law judge is entitled to judicial review of the decision by the court of appeals pursuant to the provisions of Section 1-23-610.

A request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may not be stayed by the filing of the request. If the request is filed for a subsequent license related to issues substantially similar to those considered in a previously licensed matter, the license may not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the ALC. Requests for contested case hearings challenging only the amount of fines or penalties must be deemed not to affect those portions of orders imposing substantive requirements.

After a contested case is initiated before the ALC, a party may move before the presiding administrative law judge to lift the stay imposed. Upon motion by any party, the court shall lift the stay for good cause shown or if no irreparable harm will occur, then the stay shall be lifted. A hearing must be held within 30 days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay. The judge must issue an order no later than 15 business days after the hearing is concluded.

Except as otherwise provided, the serving and filing of the notice of appeal does not itself stay enforcement of the administrative law judge's decision. The serving and filing of a notice of appeal by a licen-

see for review of a fine or penalty or of its license stays only those provisions for which review is sought and matters not affected by the notice of appeal are not stayed. The serving or filing of a notice of appeal does not automatically stay the suspension or revocation of a permit or license authorizing the sale of beer, wine, or alcoholic liquor. Upon motion, the administrative law judge may grant, or the court of appeals may order, a stay upon appropriate terms.

STATUS: Having been approved by the House of Representatives and Senate, H.3575 was ratified on June 10, 2008 (R.413). Signed by the Governor & Effective 6/16/08

ASSAULT AND BATTERY OFFENSES AGAINST SPORTS OFFICIALS AND COACHES

The General Assembly approved legislation authorizing magistrates to punish by fine not exceeding \$1,000 dollars or imprisonment for a term not exceeding 60 days, or both, all assaults and batteries against sports officials and coaches. This penalty is applicable when in committing an assault and battery, the offender knows the individual assaulted to be a sports official or coach at any level of competition. Also, the act causing the assault and battery to the sports official or coach must have occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contests held at the athletic facility.

Section 2. was added increasing penalties for those defendants who willfully fail to appear at both misdemeanor and felony levels.

Section 3. was added clarifying a procedure for incarceration of those violating a term or terms of a bail bond & circumstances for relieving surety bonds and adding fines for the use of the clerk of court.

Section 4. was added to clarify procedures for bench warrants, issuing of true copies of bench warrants & extending the time from thirty days to ninety days the issuance of a bench warrant.

Section 5, amended by Rep. Murrell Smith is causing an uproar. Subsection (B) reads: "Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by non-law enforcement personnel to ensure the arrest of a person must be given a courtesy summons." Crime Victim Advocates are alarmed: 1. the language is vague and ambiguous...should it read "charge sought by non-enforcement personnel" ? ...such an action would certainly not "ensure the arrest" quite the opposite! 2. How does a magistrate serve a "courtesy summons" to another county? 3. Who has the records and who has access to them? "courtesy summons" cannot be entered into the NCIC, thus no one, including law enforcement has knowledge of the charges. 4. How do we protect a victim from certain retaliation?

STATUS: Having been approved by the Senate and House of Representatives, S.577 was ratified on June 5, 2008 (R.403). Vetoed By Governor on 6/16/08, Overridden by both the Senate & House 6/25/08, thus becoming Law.

CRIMINAL DOMESTIC VIOLENCE CONVICTIONS IN OTHER STATES

This legislation provides that certain criminal domestic violence convictions in other states are to be considered when determining a previous conviction for purposes of enhancing the penalty.

STATUS: Having been approved by the General Assembly, H.3058 (R.320) was signed into law by the Governor on June 4, 2008. Special thanks to **Representative Doug Smith of Spartanburg** for his leadership in the passage of this Bill. Special thanks to **JJ Gentry, Counsel for the Senate Judiciary** for rewriting the law in its present form.

CRIMINAL DOMESTIC VIOLENCE TRESPASS

Trespass on the Grounds or Structure of a Domestic Violence Shelter or the Domestic Violence Shelter's Administrative Offices

This legislation provides that it is unlawful for a person who has been charged with or convicted of a violation of criminal domestic violence or criminal domestic violence of a high and aggravated nature or who is subject to an order of protection, or who is subject to a restraining order to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices.

The domestic violence shelter must post signs at conspicuous places on the grounds of the domestic violence shelter and the domestic violence shelter's administrative offices which, at a minimum, read substantially as follows: 'NO TRESPASSING VIOLATORS WILL BE SUBJECT TO CRIMINAL PENALTIES'.

This provision does not apply if the person has legitimate business or any authorization, license, or invitation to enter or remain upon the grounds or structure of the domestic violence shelter or the domestic violence shelter's administrative offices.

A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$3,000 dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than \$5,000 dollars or imprisoned for not more than five years, or both.

Restraining orders and orders of protection must notify a person about this provision. Also, a defendant at a bond hearing must receive written notification about this provision; the court shall provide the person with opportunity to sign the notice evidencing the person's acknowledgement of having received and read the notice.

Warrantless Arrest or Search

Relating to a warrantless arrest or search when a person is believed to have committed a criminal

domestic violence offense, this legislation clarifies that a warrantless arrest or search may be undertaken by law enforcement when there is probable cause to believe a violation has occurred.

STATUS: Having been approved by the General Assembly, H.5001 (R.396) was signed into law by the Governor on June 11, 2008. ***Kudos to Representatives Owens & Hiott who shepherded this Bill through both the House & Senate.***

CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE REVISIONS (PROHIBITING SCHOOL EMPLOYEE/STUDENT RELATIONS)

As passed by the House of Representatives, this legislation provides that criminal sexual conduct in the third degree includes situations where the offender is a person affiliated with a public or private secondary school in an official capacity but is not a student enrolled in the public or private secondary school and the victim is a person under the age of 19 who is currently enrolled in a public or private secondary school at which the actor works or has supervisory authority and aggravated force or aggravated coercion was not used to accomplish the sexual battery. An exception is provided for a person affiliated with a public or private secondary school who is lawfully married to the student enrolled in the school at the time of the act. The legislation further provides that a person who commits criminal sexual conduct in the third degree is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.

The Senate amended the legislation to provide a definition section. Under the Senate's amendment if a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 16 or 17 years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 18 years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public

or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for 30 days, or both.

STATUS: Having passed the House and Senate in differing versions, a conference committee has been appointed to address differences of the bodies in H.3715. **Conference Committee members did not meet and the Bill died leaving students vulnerable for another year. Shame on them.**

DRIVING UNDER THE INFLUENCE REVISIONS

The General Assembly approved legislation revising South Carolina's driving under the influence laws. Highlights of the legislation include the following.

Penalties

The legislation enhances penalties for the offenses of driving under the influence (DUI) and driving with an unlawful alcohol concentration (DWUAC). Under the legislation, for DUI or DWUAC when a person's blood alcohol concentration is 0.08%-0.09%: a first offense is subject to a fine of \$400 dollars or imprisonment for 48 hours-30 days; a second offense is subject to a fine of \$2,100-\$5,100 dollars and imprisonment for five days-one year; a third offense is subject to a fine of \$3,800-\$6,300 dollars and imprisonment for 60 days-three years; and, a fourth or subsequent offense is subject to imprisonment for one-five years. For DWUAC when the blood alcohol concentration is 0.10%-0.15%: a first offense is subject to a fine of \$500 dollars or imprisonment for 72 hours-30 days; a second offense is subject to a fine of \$2,500-\$5,500 dollars and imprisonment for 30 days- two years; a third offense is subject to a fine of \$5,000-\$7,500 dollars and imprisonment for 90 days-four years; and, a fourth or subsequent offense is subject to imprisonment for two-six years. For DWUAC when the blood alcohol concentration is 0.16% or greater: a first offense is subject to a fine of \$1,000 dollars or imprisonment for 30-90 days; a second offense is subject to a fine of \$3,500-\$6,500 dollars and imprisonment for 90 days-three years; a third offense is subject to a fine of \$7,500-\$10,000 dollars and imprisonment for 6 months-five years; and, a fourth or subsequent offense is subject to imprisonment for three-seven years.



S. Larry Martin of Pickens led the Senate floor debates and Chaired the Conference Committee in the passage of DUI Legisla-

The following graphic illustrates the penalty sections:

| Offense | 1 st Offense | 2 nd Offense | 3 rd Offense | 4 th or Subsequent Offense |
|--|---------------------------|-------------------------------------|---------------------------------------|---------------------------------------|
| DUI or DWUAC (The person's BAC is .08%-.09%) | \$400 or 48 hrs-30 days | \$2,100-\$5,100 and 5 days-1 year | \$3,800-\$6,300 and 60 days-3 years | 1-5 years |
| The person's BAC is .10%-.15% | \$500 or 72 hours-30 days | \$2,500-\$5,500 and 30 days-2 years | \$5,000-\$7,500 and 90 days-4 years | 2-6 years |
| The person's BAC is .16% or more | \$1000 or 30-90 days | \$3,500-\$6,500 and 90 days-3 years | \$7,500-\$10,000 and 6 months-5 years | 3-7 years |

- If a person is convicted of DUI or DWUAC, the person must successfully complete a drug and alcohol treatment plan.

- If a person is convicted of DUI or DWUAC, the person must pay \$25 for the cost of the person's BAC test.
- The DMV must suspend the driver's license of a person who is convicted of a felony DUI for a period of incarceration plus 3 years when great bodily injury occurs and 5 years when a death occurs. The legislation establishes provisions under which individuals convicted of DUI or DWUAC offenses are required to complete successfully a drug and alcohol treatment plan.

If convicted of DUI or DWUAC, an individual must pay \$25 dollars to cover the cost of the blood alcohol concentration (BAC) test.

DWUAC is added to the list of offenses that are not eligible for pre-trial intervention (PTI).

DWUAC is added to the list of offenses eligible for charging a person with child endangerment.

Driver's License Provisions

Under the legislation, the Department of Motor Vehicles (DMV) must suspend the driver's license of a person who is convicted of a felony DUI for the period of incarceration plus three years when great bodily injury occurs and five years when a death occurs.

If a person under the age of 21 refuses to submit to a BAC test, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit for a period of 6 months for a first offense, and one year for any subsequent offense.

If a person under the age of 21 submits to a BAC test and the result indicates a BAC of 0.02% or more, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of three months for a first offense, and six months for any subsequent offense.

If a person 21 or older refuses to submit to a BAC test, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of six months for a first offense, nine months for a second offense, 12 months for a third offense, and 15 months for a fourth or subsequent offense.

If a person 21 or older submits to a BAC test and the result indicates a BAC of 0.15% or more, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of one month for a first offense, two months for a second offense, three months for a third offense, and four months for a fourth or subsequent offense.

Law Enforcement Provisions

The legislation provides that a law enforcement officer is only required to advise a person being investigated for DUI or DWUAC of the person's Miranda rights at the time of arrest.

Under the legislation, the refusal to take a field sobriety test by a person being investigated for DUI or DWUAC does not constitute disobeying a law enforcement command.

The legislation provides that BAC test may not be administered on a person being investigated DUI or DWUAC unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy and verbally informed of the person's rights regarding the BAC test.

STATUS: The General Assembly approved [H.3496](#) (R.234), and the Governor signed the legislation into law on April 15, 2008 (Act No. 201). See page 8 for special kudos!

GANG LEGISLATION

The General Assembly approved a joint resolution to create a new gang prevention study committee to continue the work of the initial Gang Prevention Study Committee to assess and combat the ongoing gang problem by bringing together state agencies to coordinate gang reduction plans and make further recommendations addressing gang-related activity in South Carolina.

Gang Awareness Month

The General Assembly approved a concurrent resolution to declare the month of October 2008 as Gang Awareness Month in South Carolina in order to raise public awareness of this increasing problem in our State.

STATUS: The General Assembly approved **H.4630** (R.201) relating to the study committee, and the Governor signed the legislation on February 27, 2008.

The General Assembly adopted **H.5192**, a concurrent resolution declaring October 2008 as Gang Awareness Month on June 4, 2008.

INHALED ALCOHOL PROHIBITION

The General Assembly approved legislation which makes it unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess an alcohol without liquid device. 'Alcohol without liquid device' means a device, machine, apparatus, or appliance that is designed or marketed for the purpose of mixing alcohol with pure or diluted oxygen, or another gas, to produce an alcoholic vapor that an individual can inhale or snort. Penalties are provided for violations. The bill does include exceptions.

STATUS: Having been approved by the Senate and House of Representatives, **S.96** was ratified on June 10, 2008 (R.400).Became law without the Governor's signature on 6/17/08.

RESTRICTIONS ON WHERE A SEX OFFENDER MAY RESIDE

This legislation provides that it is unlawful for sex offenders who have been convicted of certain offenses to reside within 1,000 feet of a school, daycare center, children's recreational facility, park, or public playground. If a law enforcement agency determines that a sex offender is in violation of this provision, a local law enforcement officer must, within 30 days, notify the sex offender of his violation. The sex offender must be provided a list of areas in which the sex offender is not permitted to reside, and the sex offender must be given 30 days to vacate his residence. If the sex offender fails to vacate his residence within that time frame, the legislation includes criminal penalties. There are graduated penalties for subsequent violations. The legislation also provides that school districts must make certain information available to parents and guardians regarding any sex offenders that reside within 1,000 feet of a school bus stop. The legislation includes grandfather provisions and exceptions. Local governments may not enact an ordinance



Representative **Joan Brady** of Richland County patiently awaits her Bill, **H.3094**, to be voted on by the House Judiciary

that contains penalties that exceed or are less lenient than the penalties contained in this legislation.

STATUS: Having been approved by the House of Representatives and Senate, **H.3094** was ratified on June 10, 2008 (R.410). Signed by Governor 6/26/08, becomes effective 90 days after SLED certifies mapping software implementation.

SCHOOL RESOURCE OFFICERS MAY ISSUE COURTESY SUMMONS FOR MISDEMEANOR OFFENSES

In all circumstances in which a school resource officer arrests a student for a misdemeanor offense, the officer may issue a courtesy summons to a student involved in the particular incident in connection with a school activity or school-sponsored event. Notwithstanding another provision of law, a student arrested for a misdemeanor offense by a school resource officer must have a bond hearing in magistrate court within 24 hours of his arrest.



Chief Justice Toal, Solicitor Kelly Jackson & William Bilton discuss proposed legislation in the Lobby of the State House

STATUS: Having been approved by the General Assembly, **S.1221** (R.314) was signed into law by the Governor on June 4, 2008.

STUDENT TRANSFERS AND ELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES

The General Assembly approved legislation allowing a high school student who is the victim of physical abuse, harassment, or stalking by a classmate during school hours or otherwise resulting in a restraining order being granted against the classmate by a court of competent jurisdiction to transfer with the consent of the student's school district to another high school within or out of the district within 30 school days of the restraining order being violated, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.

STATUS: Having been approved by the General Assembly, **H.4758** (R.387) was signed into law by the Governor on June 11, 2008.

SOUTH CAROLINA SENTENCING REFORM COMMISSION

This legislation establishes a Sentencing Reform Commission. The primary duty of the commission is to prepare a comprehensive report that reviews and recommends: (1) appropriate changes to current sentencing guidelines for all offenses for which a term of imprisonment of more than one year is allowed; (2) maintaining, amending, or abolishing the current parole system; and (3) guidelines for legislation for offenders for whom traditional imprisonment is not considered appropriate. The purpose of the report is to enable the General Assembly to consider the commission's findings and determine whether state

laws should be amended. In making its recommendations concerning guidelines, the commission must consider current sentence and release practices and correctional resources including, but not limited to, the capacities of local and state correctional facilities. The commission must deliver its report and recommendations to the chairman of the Senate Judiciary Committee and the chairman of the House Judiciary Committee no later than June 1, 2009, and the commission shall terminate when the report is made.

STATUS: Having been approved by the General Assembly, **S.144** (R.339) was signed into law by the Governor on June 11, 2008.

"TRAFFIC EDUCATION PROGRAM ACT"

The legislation authorizes each circuit solicitor to establish as part of the Pretrial Intervention Program a traffic education program for persons who commit traffic-related offenses that are punishable only by a fine and loss of four points or less and that have not resulted in death or serious bodily injury to another person. A person may be considered for a traffic education program only if he has no prior traffic-related offenses on his record, and a person may not participate in a traffic education program more than once. The program must include both a community service and an educational component. When a person successfully completes a traffic education program, the governmental agency administering the program shall effect a noncriminal disposition of the traffic-related offense, and there must be no record maintained of the traffic-related offense except by the appropriate traffic education program in order to ensure that a person does not benefit from a traffic education program more than once. If a person violates the conditions of a traffic education program or receives a subsequent traffic violation during the six months following the issuance of the ticket for which he has entered the traffic education program, he must be terminated from the program and the traffic-related offense must be reinstated. The legislation establishes program participation fees and provides for how these fees are to be distributed.

STATUS: Having been approved by the General Assembly, **H.3572** (R.186) was signed into law by the Governor on February 4, 2008 (Act No. 176).



William Bray with DSS smiles as we all struggle with investigation language in **H. 4377**



"Ginny" Williamson, Counsel for DSS weighs in on the verbiage for **H.4377** dealing with Child Abuse & Neglect investigations and the Central Registry.



Deputy "Jay" Phillips of Lexington County Sheriff's Department comments on **H.4377**.

CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN

This legislation establishes the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President Pro Tempore, and three members to be appointed by



Representative **Ted Pitts** of Lexington, center in red tie, listens to testimony on **H. 4377** that he introduced. Representative Bannister, a member of the General Law Sub-Committee is seated on the left. Rep. Moss is on the right. Rep. Keith Kelly is in the foreground.

Both **Representative Moss** who sponsored H. 3547 & **Pitts** fought for the legislation up till the end, but they were defeated by the Senate conferees: Malloy, Hutto, Rankin

the Governor. The director of the Department of Juvenile Justice, the director of the Department of Social Services, the director of the Department of Disabilities and Special Needs, the superintendent of the Department of Education, and the director of the Department of Mental Health shall serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State of South Carolina. Members serve at the pleasure of the appointing authority.

The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding.

The committee shall become operative on July 1, 2008. The committee must submit an annual written report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House no later than the first of February, commencing in 2009. The report must detail the work of the committee, account for the committee's expenditures, and provide any findings and recommendations the committee develops relating to children's issues it has studied.

STATUS: Having been approved by the General Assembly, **S.1011** (R.306) was signed into law by the Governor on June 4, 2008.

CENTRAL REGISTRY ISSUES AND CHILD ABUSE INVESTIGATIONS

The Legislation amends Section 20-7-650 relating to the duties of DSS in investigating child abuse and neglect reports, determining whether such reports are founded or unfounded, and placing the names of perpetrators in the Central Registry of Child Abuse & Neglect, so as to clarify the circumstances under which a perpetrator's name must be placed in the registry by providing that if the court finds that a perpetrator physically neglected, severely neglected, or repeatedly neglected a child, that the perpetrator's name must be placed in the registry. Added to this legislation are the contents of **H. 4377** which further amends Section 20-7-650 (J) by extending from 5 years to 10 information retained in the Central Registry. The legislation further mandates that DSS and local law enforcement agency conduct investigations, develop collaborative procedures and share information collected when child abuse or neglect is indicated.

*STATUS: The Senate non-concurred with the House amendments to H. 3547 and appointed Senators Rankin, Malloy, and Hutto to a Conference Committee and the House appointed Moss, EH Pitts, and Crawford. The Conference Committee Report was considered June 25th. The Committee members failed to agree. Senator Malloy dissented...all House members agreed. **This important Bill died with both the language in H.3547 and H.4377 attached, leaving our SC children unprotected.***

EMERGENCY MEDICAL TECHNICIAN BACKGROUND CHECKS

The legislation requires a person seeking Emergency Medical Technician (EMT) certification or recertification to undergo a state criminal records check and a national criminal records check. The state and national criminal records checks are not required for an EMT employed as of July 1, 2008, until the EMT applies for recertification. A state criminal records check will cost no more than eight dollars and is the responsibility of the EMT or EMS agency.

STATUS: Having passed the General Assembly, H.4334 (R.381) was signed into law by the Governor on June 11, 2008 (Act No. 304).

CRIMINAL RECORDS CHECKS IN THE LICENSURE OF NURSES

The General Assembly approved legislation authorizing criminal records checks in the licensure of nurses. This legislation provides that the State Board of Nursing may require a state and national criminal records check, supported by fingerprints. The South Carolina Law Enforcement Division is authorized to retain fingerprints for certification purposes and for notification of the department regarding criminal charges. The applicant is responsible for the cost of the criminal history background check. In addition, a licensed nurse shall wear a clearly legible identification badge bearing the nurse's official title and first or last name or both.

STATUS: Having passed the General Assembly, H.5012 (R.398) was vetoed by the Governor on June 11, 2008. Governor's veto overridden by both Houses 6/25/08 thus becoming law.

ESTABLISHMENT OF ADDITIONAL COUNSELING FOR CRIME VICTIMS, ESTABLISHMENT OF CRIME VICTIMS' COORDINATING COUNCIL, VICTIM ADVOCATE CERTIFICATION PROCESS

This legislation allows the Crime Victim's Advisory Board to authorize additional counseling for victims based on documented need, allows claim submission by fax or other electronic means, creates a crime victim Services Coordinating Council, provides for its membership, creates an education and certification process program within the Crime Victims' Ombudsman's Office and authorizes the CVO to promulgate necessary regulations.

STATUS; having passed the General Assembly, H.4601 (R.329) was signed by the Governor on 06/04/08 and becomes effective 01/01/09.



SC Crime Victim Ombudsman, **Hope Blackley** talks to **Ashlie Lancaster** of SOVA at the Criminal Law Subcommittee of the House Judiciary as House members consider the merits of **H.4601**

There are several other Bills that merit crime victims attention: **Immigration Bill, Senate 392** ping-ponged between the House and Senate for most of the session, finally passing with an amendment suit-

able to crime victim advocates exempting safe harbors for humanitarian aid such as CDV shelters. Having passed both Houses, the Governor signed the Bill into law

S.331— Introduced by S. Knotts of Lexington County, the Bill passed the Senate for the third time in as many years, but was stopped in the House Judiciary. The bill establishes penalties for both misdemeanor and felony level interferences with communication devices in the commission of crimes. Hopefully, it will be successful in the next session in 2009.

S.472, Introduced by **Senator Joel Lourie** of Richland County, furnished some much needed clean-up language to the Ignition Interlock bill of last year. **Signed by the Governor and effective June 16, 2008**

S. 1159, Introduced by **Senator Joel Lourie** of Richland County, attempted to address several alcohol issues of great importance. Representative Todd Rutherford of Richland County refused to remove some unproductive amendments and **the bill failed to be successful in Conference Committee**.

H. 3623, A Bill by Thompson to clean up the language for the Criminal Justice Academy ended up containing an important change in the CSC statutes by striking the language that allowed mistake of age to be a defense. **Thank you Representative Murrell Smith for your tenacity!**

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 LauraHudson@sccvc.org

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

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

**Vickie Bourus: Family Violence & Sexual Assault Issues / (864) 681-0377
vkbourus@sccsdvasa.org**



Jeff Moore, Executive Director of the Sheriff's Association, comments on DUI Legislation and the DNA Bill in the Lobby of the State House. Jeff deserves the thanks of DUI crime victims for all of his time and effort in crafting and shepherding **H. 3496** over the two long years of the 07-08 session.

THANKS JEFF!!!!

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.

IB Students collect cell phones for crime victims

Students in the Sumter High School International Baccalaureate program concluded their cell phone drive for the South Carolina Crime Victim's Council (SCCCVC). Through donations from the schools and community, the students collected 147 inactive phones, which were presented to Mrs. Jackie Olsen, President of SCCCVC.

South Carolina Crime Victims' Council (SCCCVC) is a nonprofit organization advocating for crime victims' rights and services. Some of the inactive cell phones that were collected will be distributed to victims for the use of 911 calls, and other will be sent to PaceButler Corporation in Oklahoma for a monetary reimbursement. The funds will be used first to establish a state-wide program to properly train victims' advocates so they can properly care for victims or their survivors.

Property has been secured in Columbia to create a memorial garden for South Carolina's crime victims. It will also serve as a place offering solitude and peace for the survivors of crime victims. In addition to the crime victims' advocacy training program, a portion of the funds collected by the IB students will be used to create the garden.

Monetary donations are still being accepted and are tax deductible. Checks should be made payable to the SCCCVC and can be sent to Susan Hilton at Sumter High School. A receipt will be provided.



Jackie Olsen, President of the SC Crime Victims' Council receives cell phone donations from Sumter High School Students **Erin Ezell** on Jackie's left & **Mary Rachel Scott** on Jackie's right. Not pictured is another Sumter High student, **Ji Lim**



Humanitarian Award 2008 winner, **Sherie Carney**
with award presenter **Don Zelenka**, a member of SCVAN's Board & AG's staff
stand in front of the Crime Victims' Quilt at Victim's Rights Week in Charleston.
No one deserves this award more than Sherie.

This transplanted Yankee came to SC from a Public Relations background...someone with strong writing skills, artistic sense and ability and a great deal of energy and leadership skills. In 1988 she had gone to LA and seen "street people", the homeless, for the first time. She told her husband at that time..."I need a career change....I need to find something to do to help people" A Humanitarian was born. She answered an ad in the State paper shortly after that...and was allowed an interview with an organization named SCVAN.

The Board interviewed her....Ritchie Tidwell, Dean Kilpatrick, Sandi Wofford, Linda Steadman, and Trudy Gregorie....she told them that they would be crazy not to hire her because she knew she was so qualified and ready to tackle the job! Her salary was a whopping \$18,500 a year....since SCVAN only had \$15,000, the first thing she had to do was go to Senator John Drummond at the state legislature and ask for some more money...SCVAN got \$24,000. WHOPPEEEE...but she got her feet wet at the General Assembly and waded into Public Policy.

That begins a wonderful and fruitful relationship for SC crime victims....1989-1993. In 4 short years... she helped put SCVAN on the SC horizon.

This whirlwind of energy put together the first committee for a Constitutional Amendment: SCCAC, to study the feasibility of a Constitutional Amendment for SC....Representative Sandi Wofford from the low country (whose sensitivity to the plight of victims was heightened by the murder of her own sister) introduced the first attempt at a CA which had been gleaned from several other states' language in 1991. Laura Hudson was voted the first chair of that committee because she wasn't at the first meeting on time. CHOOCHOO! Several attempts, in each subsequent year, were introduced from 1991 to 1995 to pass a CA. Many of the Solicitors fought the passage of the Amendment and legislators turned a frus-

trated ear. We will come back to the saga of the Constitutional Amendment in a moment
In 1993, not being in possession of a computer, this pioneer sat down on her office floor with Laura and literally cut, pasted, taped and recopied on a Xerox an Ombudsman's Bill from the Minnesota Law Books to be introduced in 1993. The Bill was watered down considerably in an attempt to placate solicitors and law enforcement leadership...but it passed....The Governor, Carroll Campbell vetoed it...claiming "duplication of services"....but with the help of a mostly Democratic GA, Campbell's veto was overridden and the Ombudsman Bill became law in July of 1994 (Act 433). Another victory for the leadership of our heroine!

Of course, the Ombudsman position had to be funded...our heroine wrote a grant to OVC...got \$36,000 for the position, and placed it in the offices of the Governor as a separate, independent entity. Trudy Gregorie, who was serving as a VA in the 9th Circuit, was hired to head the new office. Subsequently the position was funded by the GA.

Our heroine left SCVAN. In 1994, she went to work for Attorney General Travis Medlock as the second VA to ever serve in that capacity, following the death of Mary Ann Morris, who was the first Victim Advocate ever hired by an Attorney General in the country. Travis Medlock had hired our heroine's predecessor, Mary Ann Morris with this classic mandate: "There are people out there hurting and I need for you to make it better for them". When Sherie Carney came into that job, she applied her considerable talents to expanding that mandate to include a whole host of new initiatives.

Before Sherie arrived at the AG's office, only death penalty family survivors received services. Sherie wrote her first grant for the AG; from OVC again, to expand those services to all appellate cases...the 1st state comprehensive notification system was born.

Another initiative, of which Sherie is most proud, was being appointed to a 6 person team, appointed by the Governor and housed at DPS, to put together a comprehensive state wide program for the brand new VAWA grants. The first protocol for VAWA was created at DPS.

Now back to the Constitutional Amendment. Travis Medlock leaves office and Charlie Condon becomes AG. He, "Charlie" calls Sherie into his office within the first 3 months of his taking office and declares that he is making passage of the CA for crime victims his lynchpin piece while in office. He calls a Task Force together...starts with Sherie's committee findings and writes the strongest CA of any of the states: every victim, every time, adult and juvenile crime victims, not just victims of violent crime....but all victims of crime. He directs Sherie to assemble as many victims that want to be heard together to be present at hearing in the GA. Since the CA was for, about, and to assist crime victims...they should be the ones heard in the debates. Our heroine did a masterful job of marshalling crime victims from all over the state in pressing the GA, resulting in good crime victim law. The Constitutional Amendment with the particular strong arms of Charlie Condon and Senator Glenn McConnell eventually passed both the Senate and the House in 1994 and was placed on the state wide ballot in November. Of those voting, 89% of the public voted overwhelmingly for the CA...it had to come back through the Senate and House for approval and was placed in the SC Constitution on January 22, 1998. In 1997 the enabling statutory law became law and a body of duties was created throughout the criminal justice system.

Sherie moved on to the federal system, as a victim advocate, with the Charleston Office of the US Attorney's office where she served until her recent retirement January 2008. "Well done...good and faithful servant." One cannot talk of Sherie without giving credit to her faithful husband, Allen. A more supportive mate would be a rare find. She is devoted to her family and is a faithful, supportive friend to many who are in this room today. Sherie Carney's leadership and creative abilities have been a gift to the crime victims of this state...and only a few of the more noteworthy events have been documented today. Her good listening skills, her love of people... particularly her love of crime victims... her need to help others, her rare and plentiful gifts...a lifetime of service to SC have more than qualified her to receive the "Distinguished Humanitarian" award.



Judge Jack Guedalia speaks to a large crowd at the **"Take Back the Night"** gathering in Charleston in April. The Judge, after many years of service to the court system in South Carolina received a much deserved award from PAR, "People Against Rape"

The Lifetime Achievement Award

Judge Guedalia has protected the rights of victims in his courtroom even before the passage of statutory rights for crime victims. His compassion for those affected by crime is manifested every day both in and out of the court system.



The Honorable Solicitor Scarlett Wilson, Solicitor of the 9th Circuit addresses the TBTN crowd April 17.



Melonea Locklair, Executive Director of People Against Rape (PAR) introduces speakers at the rally, April 17th. The event was well attended and many crime victims spoke about their individual victimization and journeys to healing and action.



Judge Jack Guedalia listens to victims speaking about their Experiences. Peopleagainstrape.org

Photos furnished by Terri Porcel

Percentages of Arrests, Prosecutions in SC FY 2006-2007

Analyzed by Rob McManus of the Department of Public Safety

Mr. McManus reported the SLED and Judicial Department information provided and constructed the following table. The process followed to accomplish that was to take the number of arrests in 2006 provided by SLED and divide that by the number of dispositions for similarly defined offenses that were disposed of in fiscal year 2006-07. The resulting table displays a comparison arrests to General Sessions dispositions in each judicial circuit and for the state.

There are several important limitations associated with these data. The first is to note that arrests do not necessarily result in court filings for a variety of reasons. The second is that not all arrests that proceed to court will necessarily go to the Court of General Sessions, which the dispositions provided by the Judicial Department represent. Third, many of the offenses included in this analysis are victimless offenses, so the applicability of those offenses to this issue could be called into question. Fourth, arrests represent those that occurred during calendar year 2006 and the dispositions occurred during the 2006 – 07 fiscal year. Because arrests and dispositions do not typically occur during the same time period, there is no case to case correspondence of arrest to disposition and it is difficult to say what effect time lags might have. Fifth, disposition rates may vary by offense and the offenses used here may not be representative of overall disposition rates. Sixth, no clear “crosswalk” exists for the statutory definitions used by court administration and the offense definitions used by SLED. Simply put, Mr. McManus used his best judgment in making the match between arrest category and disposition offense. These matches were based strictly on his highly educated judgment but very likely anyone else going through a similar process would produce different totals. Seventh, and finally, equating volume to workload may or may not be appropriate, i.e., the nature and array of victim services may have qualitative aspects at both the court and law enforcement points of contact that are not accounted for in this analysis. There may well be other limitations associated with the court data of which the author is not aware. Consequently, one should use the data in this table with caution, understanding that it provides at best, a qualified estimate of the number of arrests that result in a disposition and that any application of that estimate to workload requirements related to victim advocacy would rest on assumptions beyond the scope of this information.

| Judicial Circuit | CY 2006 Arrests | FY 2006 - 07 General Sessions Dispositions | Percent |
|-------------------------|------------------------|---|----------------|
| First | 4,054 | 1,347 | 33.2% |
| Second | 3,931 | 745 | 19.0% |
| Third | 3,311 | 1,300 | 39.3% |
| Fourth | 4,829 | 1,316 | 27.3% |
| Fifth | 8,221 | 3,170 | 38.6% |
| Sixth | 3,208 | 757 | 23.6% |
| Seventh | 6,524 | 2,428 | 37.2% |
| Eighth | 5,125 | 1,363 | 26.6% |
| Ninth | 14,438 | 3,979 | 27.6% |
| Tenth | 4,474 | 1,770 | 39.6% |
| Eleventh | 4,076 | 1,648 | 40.4% |
| Twelfth | 4,339 | 1,371 | 31.6% |
| Thirteenth | 12,702 | 4,273 | 33.6% |
| Fourteenth | 4,589 | 880 | 19.2% |
| Fifteenth | 9,983 | 2,075 | 20.8% |
| Sixteenth | 6,187 | 1,928 | 31.2% |
| State | 99,991 | 30,350 | 30.4% |

Note: Arrests consist of a select group of offenses; dispositions consist of the corresponding statutory offenses (see Attachment).

Sources: SLED, unpublished data; SC Judicial Department, unpublished data.

While the caveats attendants to these data were intended to be exhaustive, The author realizes they may also seem somewhat exhausting. Our interest in providing these caveats is not to limit the use of these data in any way, but rather to provide you with the best level of information possible so that you may use the data in full awareness of its limitations.

Attachment

The following are those offenses considered in the study:

Murder
Rape
Robbery
Aggravated Assault
Forcible Sex Offenses (not rape)
Simple Assault
Intimidation
Kidnapping/Abduction
Drug Offenses
Breaking/Entering
Larceny
Motor Vehicle Theft
Arson
Non-forcible Sex Offenses
Negligent Manslaughter
Justifiable Homicide
Sexual Exposure

The above results, among other things, partially show the disparity between work loads for crime victim advocates at the law enforcement level and those at the solicitors' offices by circuit. Many of the law enforcement entities' victim advocate (Sheriff and Police Departments) ratios to the numbers of crime victims is staggeringly low. Hopefully, future funding will address the need for more advocates at every level.



Margaret Brackett of MADD SC fame and morning radio hostess in Newberry poses with **Senator Harvey Peeler of Gaffney** after Governor Sanford nominated Margaret for re-appointment to serve as a member of the **South Carolina Advisory Council on Aging**. Margaret is also a 5 year member of the "Silver Haired Legislators" and has influenced many a good piece of public policy for the benefit of crime victims. Her energy and spunk is well known!

Congratulations Margaret!!!!

DNA / S. 429 SOME COMMENTS by Laura Hudson

Last time the Criminal Law sub committee met, there was a fragile, young lady there with me...and as I perceived the tenor of the members, I discouraged her from speaking. Sometimes when crime victims appear before legislators, they are greatly offended and take some well intentioned humor and comments very negatively & always personally. I didn't ask her to come back. But let me tell you why she came the first time...to tell a story of an incident that is happening to her now. She began to notice last year that someone was watching her...trying to break into her apartment...hovering outside her windows....she was very frightened...she called law enforcement...they did not observe him...fortunately she appealed to her neighbors...one of those neighbors saw the man...jumped him, held him until law enforcement arrived. He was charged with trespassing, peeping tom, etc...he is still awaiting trial...no conviction yet. Who is this person? Has he done this to others, has he broken into someone's home, has he committed a sex act, molested anyone? If we had taken his DNA at the time of arrest, would his DNA match a collected sample some where...perhaps in our communities or another state? An offender not yet caught at a more heinous crime? Being able to take his DNA at the time of the arrest and comparing it to our data base, then uploading it to the national data base may have revealed a previous incident or matched unsolved ongoing criminal acts. But, one of the results could be some peace to the victim and some knowledge of this offender and his intentions. But, more importantly, the information could bring closure to a serial offender career and prevent another tragedy from happening, another victim, another family's pain.

The Bill passed the Senate, was compromised on the House floor, but a good version made it into Senate 429 with the help of Senator Malloy, McConnell and many others including House Speaker Bobby Harrell only to be vetoed by the Governor. **The Senate and House may have an opportunity in October to override the veto of the Governor! Stay tuned!!!**

- This bill is important to crime victims...it can prevent crime. When we look at the study done in **Chicago**, we see:
- **8 offenders were studied**
- **Uncovered 60 violent crimes among them that could have been prevented through arrest testing-**

Would you have wanted to be one of the many victims, knowing that technology was available that could have identified the individual and stopped him before he ruined your life?

Florida Findings

Identification of serial criminals has dropped off dramatically. Florida laboratory believes the database is now identifying criminals earlier in their "careers" before they create more victims...Crime Prevention at Work!!

New ...hot off the press:

Maryland Study on Preventable Crimes

If DNA samples had been required upon arrest for three individuals, 20 crimes could have been prevented.

What if you or your loved one is one of the 20 and you & your family didn't have to be victimized?

States with laws requiring DNA from Felony Arrestees prior to 2007 -7 + Federal
States with laws requiring DNA from Felony Arrestees during 2007 - 4
States that introduced legislation requiring DNA from Felony Arrestees 2008 – 22

Is SC going to be last? Do we not want to be able to reciprocate our knowledge with other states while we use other states data to solve crimes in SC?

SLED has never had a break in, an attempted break in, or a request, FOI, etc. from any entity seeking a person's DNA

SC just passed, with the welcome leadership of our Governor, a new DUI Bill (H.3496) that requires an arrested person to do a field sobriety test, blow into a machine or lose their license, provide a urine sample or take a blood test or lose their license....all innocent until proven guilty....but we are reluctant to swab a person's mouth for a DNA test when they are lawfully arrested.???? Why did we make an exception for DUI offenders? **Because we have to protect the public!** "Your rights end when your fist meets my face!" Taking a DNA swab is no different, even though less intrusive. This is a public safety issue and an opportunity to prevent crime! Think about crime prevention. Think about individual "rights" verses the public benefit. *This Bill allows for expungement & creates penalties for improper use of DNA information.*

Arrestee Privacy Protections
Data is stored in same manner as convicted offenders
Same penalties for misuse as convicted offenders
Federal law requires expungement process for persons arrested but never convicted
NOT part of criminal history record – ONLY for use in matching to crimes with unsolved on the database

If there is someone sophisticated enough to "copy" someone's DNA or seek some medical info for nefarious reasons, they certainly do not need to go to law enforcement (they have guns) to get that information. They can take a tissue you have wiped your nose with to any private lab in the county or obtain it from your medical provider. Why hamstring law enforcement when Pandora's Box has been open for many years?

Privacy Protections
Victim samples not permitted on the national index
Offender profiles uploaded with state record locator, ONLY
Offender database access limited to FBI approved DNA analysts
FBI encryption and security protections
States maintain control of all samples and identifying data
Federal laws and state laws harshly penalize and criminalize improper use of DNA samples

SLED's Crime Victim's Unit
SLED Chief Reggie Lloyd has consolidated crime victim services at SLED, placing it under the leadership of **Captain Patsy Lightle** who currently heads the Special Crime Victim's Unit that oversees Child Fatality and Vulnerable Adult investigations. The move will result in improved services for crime victims in our state.

DUI ENFORCEMENT RECOGNITION CEREMONY July 23 at Seawell's in Columbia

The DUI Enforcement Ceremony held at Seawell's in Columbia focused on praising & recognizing the efforts of law enforcement all over the state in enforcing DUI law and removing impaired drivers from our Highways. The well attended event, sponsored by SC Department of Public Safety and MADD, was emceed by **Dennis Ray**, Law Enforcement Liaison for the Office of Highway Safety (DPS). **Chief Patty Patterson** inspired all attending with her rendition of the National Anthem. **Phil Riley**, Director of the Office of Highway Safety praised officers who work to remove impaired drivers off the road: "You folks who enforce DUI laws—you all are the unsung heroes in my book" **Carl McDonald**, MADD National Law Enforcement Initiative Coordinator & former trooper from Wyoming, spoke from the tragic position of being a victim of DUI. His 5 year old daughter was murdered in an impaired driving crash 10 years ago. He outlined a 4 point plan to eliminate impaired driving: 1. Support of law enforcement as the front line enforcers. 2. Implementation of ignition interlocks (SC's new Ignition Interlock Law, thanks to Senator Lourie of Richland County, commences in January of 2009). 3. Use of new Technologies, such as skin sensors. 4. Continued pressure by grass-roots organizations such as MADD.



Pictured is emcee **Dennis Ray** standing at the podium, **Juliet Smith**, Administrative Assistant for MADD SC on the far left, **Traci Thompson**, MADD SC Victim Services Coordinator, winner of the **SC Highway Patrol Trooper of the Year:**

Senior Trooper Sean Groubert and special speaker **Carl McDonald** pictured on his right.

Trooper Groubert made 76 DUI arrests last year and investigated 214 traffic crashes which resulted in 3,148 citations

Other Award Recipients:

Rookie of the Year: Patrolman 1st Class, **Travis C. Dodd**, Hanahan Police Department.

Officers of the Year:

Cpl. **Bobby Dale**, Irmo Police; Patrolman 1st Class **Jimmy D. Mathis**, Hanahan Police Department; Cpl. **Chris Kelly Carter**, Aiken Department of Public Safety; Deputy Sheriff III, **Jason Kramer**, Spartanburg County.

Agencies of the Year:

Chapin Police Department, **Darlington** Police Department, **Mauldin** Police Department, **Hanahan** Police Department, **Anderson** Police Department, **Myrtle Beach** Police Department & **Spartanburg** County Sheriff's Department.



MADD National DUI Enforcement Initiative Director **Carl McDonald** poses with Newberry County site leaders **Margaret Brackett & Jolene Lander**.

All of the site leaders and volunteers received plaques or certificates for their hard work in assisting DUI victims in their communities and for working successfully for the passage of the new DUI law which goes into effect February 12, 2009 at noon. **MADD volunteers gathered over 3 thousand petitions to give to law makers, urging them to pass the new law!**



The **Highway Patrol Troop of the Year** , **Troop One** (Lexington, Clarendon , Sumter, Lee, Kershaw, & Richland Counties) pose with MADD leadership as they are honored .

Captain Leroy Taylor (holding the Plaque) leads Troop One. Congratulations Troopers! One of the counties in their jurisdiction, Lexington County, continues to lead the state in numbers of traffic crashes and leads the state in the number of traffic crashes due to alcohol. **Captain Taylor** reported that there has been 39 deaths in 29 crashes. Capt. Taylor said: "My goal is to reduce alcohol-related collisions and maybe one day we won't have to knock on someone's door and tell them their relative won't be coming home because they were killed by a drunk driver". Troop One made 665 DUI arrests in Lexington County during 2007, ranking the county fourth in the state for such arrests.



Phil Riley, Director of Highway Safety leans over **Donna Carter**, site Leader from Darlington County, for a quick word of encouragement. The Darlington Police Department was one of the winners of Agency of the Year



Carl McDonald of MADD National enjoys his lunch at Seawell's before his Keynote Address to the MADD members and law enforcement gathered to express gratitude to SC Law Enforcement!



Veteran Trooper Lt. **Ricky Grubbs** of Troop One helped his Troop garner the top honor of "2007 Troop of the Year".



The Honorable **Barbara Morgan**, 2nd Circuit Solicitor, enjoys watching Cpl. **Chris Kelly Carter** win an Officer of the Year



Val Valenta, attorney with the Department of Motor Vehicles enjoys his iced tea at the luncheon honoring law enforcement. Val, one of the authors of the new DUI bill, House 3496, fielded most of the questions concerning the law to members of the General Assembly. His knowledge and willingness to serve the citizens of SC is hugely appreciated!



The Honorable **Solicitor J. Gregory Hembree**, 15th Circuit Solicitor, enjoys watching both the 15th Circuit (Georgetown, Horry) Law Enforcement Network receive the coveted **2007 Law Enforcement Network of the Year Award** and the Myrtle Beach Police Department receive an **Agency of the Year Award**.

The **Tri County Victims Council** of Charleston, Dorchester, & Berkeley counties met August 5 to hear from **Laura Hudson**, Executive Director of SC Crime Victims' Council (SCCVC) about recently passed legislation & services and from **Veronica Kunz** CEO of SCVAN about SCVAN services. Attendance was an impressive 45 people. The **Tri County Council** has been organized and active for many years. The comradeship and spirit of cooperation felt within the group is exemplary and should be emulated through out the state to foster more seamless services for crime victims.



Terri Porcel, Court based Advocate for the 9th Circuit in Charleston poses with **Scott Beard**, President of the Tri-County Victims Council & **Veronica Kunz** CEO of SCVAN at Perkins Restaurant on River Road in Charleston on August 5

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