



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 7, 2016

Mr. David Richard Walker, Jr.  
Inmate, Lexington County Detention Center  
Post Office Box 2019  
521 Gibson Road  
Lexington, South Carolina 29071

Dear Mr. Walker,

Our office received your Freedom of Information Act request for the following:

“Any and all discretions, precedent, proportions the Governor Nikki R. Haley has in the respects of the state safekeeper program and [] her discretionary duties and powers to litigate a[] pretrial detainee inmate to the safekeeps of the safekeeping programs to be housed at SCDC within the safekeeper program.”

Our office will provide any and all records in our possession that are responsive to your request, subject to any exemptions or redactions as allowed pursuant to Section 30-4-40(a) of the South Carolina Code of Laws or as is otherwise exempt from disclosure by statute or regulation or prohibited from disclosure by court order.

Although your request was not clear, our office has identified records responsive to the Governor’s authority to issue orders of safekeeping, which are enclosed. Be advised that these records have already been made publicly available at no cost at [www.scstatehouse.gov](http://www.scstatehouse.gov) and [www.governor.sc.gov](http://www.governor.sc.gov). Due to the significantly low volume of records identified in response to your request, our office has waived costs associated with producing the request as is allowed pursuant to Section 30-4-30(b).

Sincerely,

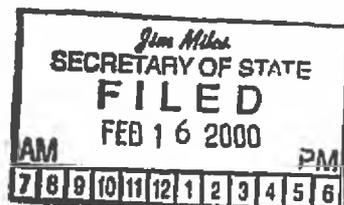
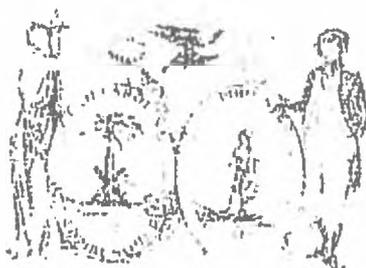
  
Holly G. Pisarik  
Chief Legal Counsel

Enclosures

HP/rs

# State of South Carolina

## Executive Department



## Office of the Governor

EXECUTIVE ORDER NO.

2000-11

**WHEREAS**, an individual held in a pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections for safekeeping by commitment duly authorized by the Governor pursuant to § 24-3-80; and

**WHEREAS**, the current guidelines and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State are set forth in Executive Order #76-15, issued May 17, 1976; and

**WHEREAS**, there is a need to establish new criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15.

**NOW, THEREFORE**, I hereby establish the following criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15:

Section 1. An individual held in a county pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections by commitment duly authorized by the Governor pursuant to § 24-3-80, if the individual: (1) is a high escape risk; (2) exhibits extremely violent and

Section 7. All medical costs associated with an individual held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual.

Section 8. Transportation to court hearings and necessary appointments of an individual being held for safekeeping by the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual. In emergency situations, the Department of Corrections may provide transportation.

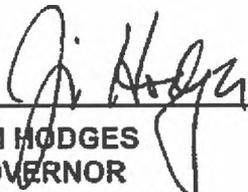
Section 9. A safekeeping order or renewal may be issued orally by the Governor under extraordinary circumstances; provided, however, that a written order must be issued as soon thereafter as practicable.

Section 10. Any and all individuals in the custody of the Department of Corrections as of the date of this Executive Order pursuant to a safekeeping order issued pursuant to the guidelines and procedures set forth in Executive Order #76-15, are now subject to the provisions of this order.

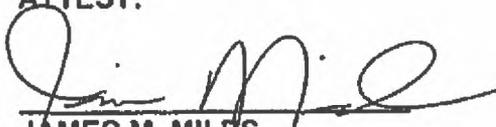
Section 11. This Executive Order supersedes Executive Order # 76-15, issued May 17, 1976, and renders it void.



GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 16<sup>th</sup> DAY  
OF FEBRUARY, 2000.

  
\_\_\_\_\_  
JIM HODGES  
GOVERNOR

ATTEST:

  
\_\_\_\_\_  
JAMES M. MILES  
Secretary of State

## South Carolina Code of Laws Unannotated

### Title 24 - Corrections, Jails, Probations, Paroles and Pardons

#### CHAPTER 3

#### State Prison System

#### ARTICLE 1

#### Persons Confined and Use Thereof Generally

**SECTION 24-3-20.** Custody of convicted persons; designation of place of confinement; participation in work release and training program; litter removal; establishment and administration of restitution program.

(A) A person convicted of an offense against this State and sentenced to imprisonment for more than three months is in the custody of the South Carolina Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. Nothing in this section prevents a court from ordering a sentence to run concurrently with a sentence being served in another state or an active federal sentence. The department may designate as a place of confinement any available, suitable, and appropriate institution or facility, including a regional, county, or municipal jail or prison camp, whether maintained by the department or by some other entity. If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must first be obtained. However, a prisoner who escapes or attempts to escape while assigned to medium, close, or maximum custody may not serve his sentence for the original conviction or an additional sentence for the escape or attempted escape in a minimum security facility for at least five years after the escape or attempted escape and one year before his projected release date.

(B) When the director determines that the character and attitude of a prisoner reasonably indicates that he may be trusted, he may extend the limits of the place of confinement of the prisoner by authorizing him to work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner, if the director determines that:

(1) the paid employment will not result in the displacement of employed workers, nor be applied in skills, crafts, or trades in which there is surplus of available gainful labor in the locality, nor impair existing contracts for services; and

(2) the rates of pay and other conditions of employment will not be less than those paid and provided for work of similar nature in the locality in which the work is to be performed.

The department shall notify victims registered pursuant to Article 15, Chapter 3, Title 16 and the trial judge, solicitor, and sheriff of the county or the law enforcement agency of the jurisdiction where the offense occurred before releasing inmates on work release. However, the trial judge may waive his right to receive the notification contained in this section by notifying the department of this waiver in writing. The department has the authority to deny release based upon opinions received from these persons, if any, as to the suitability of the release.

A prisoner's place of confinement may not be extended as permitted by this subsection if the prisoner:

(a) is currently serving a sentence for or has a prior conviction for criminal sexual conduct in the first, second, or third degree, attempted criminal sexual conduct; assault with intent to commit criminal sexual conduct; criminal sexual conduct when the victim is his legal spouse; criminal sexual conduct with a minor; engaging a child for sexual performance, spousal sexual battery; a harassment or stalking offense pursuant to Article 17, Chapter 3, Title 16, or a burglary offense pursuant to Section 16-11-311 or 16-11-312(B); or

(b) is currently serving a sentence for a violent offense as defined in Section 16-1-60, except that a prisoner serving a sentence for kidnapping, pursuant to Section 16-3-910, voluntary manslaughter, pursuant to Section 16-3-50, armed robbery, pursuant to Section 16-11-330(A), attempted armed robbery, pursuant to Section 16-11-330(B), burglary in the second degree, pursuant to Section 16-11-312(B), or carjacking, pursuant to Section 16-3-1075 may be eligible to participate in the work release programs so long as the prisoner is within three years from the date of his release from incarceration, and the prisoner is not serving a sentence involving criminal sexual conduct or other violent crime, as classified under Section 16-1-60.

(3) A prisoner who is serving a sentence for a "no parole offense" as defined in Section 24-13-100 and who is otherwise eligible for work release shall not have his place of confinement extended until he has served the minimum period of incarceration as set forth in Section 24-13-125.

(C) Notwithstanding another provision of law, the department shall make available for use in litter control and removal any or all prison inmates not engaged in programs determined by the department to be more beneficial in terms of rehabilitation and cost effectiveness. The department shall not make available for litter control those inmates who, in the judgment of the director, pose a significant threat to the community or who are not physically, mentally, or emotionally able to perform work required in litter control. No inmate may be assigned to a county prison facility except upon written acceptance of the inmate by the chief county administrative officer or his designee, and no prisoner may be assigned to litter control in a county which maintains a facility unless he is assigned to the county prison facility. The department shall include in its annual report to the Department of Administration an analysis of the job and program assignments of inmates. This plan must include such programs as litter removal, prison industries, work release, education, and counseling. The department shall make every effort to minimize not only inmate idleness but also occupation in marginally productive pursuits. The Department of Administration and the Governor's Office shall comment in writing to the department concerning necessary alterations in this plan.

(D) Notwithstanding Section 24-13-125, the department may establish a restitution program for the purpose of allowing persons convicted of nonviolent offenses who are sentenced to the department to reimburse the victim for the value of the property stolen or damages caused by the offense. If no victim is involved, the person convicted shall contribute to the administration of the program. The department is authorized to promulgate regulations necessary to administer the program.

(E) If a person is sentenced to not more than seven years and for not more than a second offense for the following offenses: larceny, grand larceny, forgery and counterfeiting, embezzlement, stolen property, damage to property, receiving stolen goods, shoplifting, housebreaking, fraud, vandalism, breach of trust with fraudulent intent, and storebreaking, the judge shall establish at the time of sentencing a maximum amount of property loss which may be used by the department in the administration of the restitution program.

**HISTORY:** 1962 Code Section 55-321.1; 1966 (54) 2180; 1978 Act No. 496 Section 15, 1980 Act No. 431 Section 1, 1993 Act No. 181, Section 391, 1994 Act No. 500, Section 1; 1995 Act No. 83, Section 23; 1996 Act No. 406, Section 1; 2004 Act No. 243, Section 1; 2005 Act No. 106, Section 9, 2010 Act No. 273, Section 30, eff June 2, 2010; 2010 Act No. 237, Section 1, eff June 11, 2010, 2012 Act No. 255, Section 8, eff June 18, 2012.

#### Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other

agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

#### Effect of Amendment

The first 2010 amendment rewrote subsection (B)(2).

The second 2010 amendment in subsection (A), in the third sentence, inserted "regional" and ", or municipal", and substituted "by some other entity" for "otherwise, and in the fourth sentence, inserted "or municipal chief administrative officer, or the equivalent,".

The 2012 amendment removed "committing or attempting to commit a lewd act on a child;" from subsection (B)(2)(a).

#### **SECTION 24-3-27. Establishing local regional correctional facilities; useful employment of inmates; service of warrants on inmates.**

(A) The governing bodies of counties or municipalities may join in establishing local regional correctional facilities for the confinement of persons awaiting trial or sentence on criminal charges; convicted and sentenced on criminal charges, or not otherwise eligible for confinement in state or other facilities. For this purpose, the governing bodies may

(1) acquire, hold, construct, finance, improve, maintain, operate, own or lease, in the capacity of lessor or lessee, a local regional correctional facility for the purpose of incarcerating their own inmates, inmates of other counties or municipalities, or inmates from the Department of Corrections;

(2) form cooperative agreements for the management, supervision, and control of a local regional correctional facility, its property, assets, funds, employees, and prisoners, and other resources and liabilities as appropriate.

(B) Every sentenced person committed to a local regional correctional facility constructed or operated pursuant to this section, unless disqualified by sickness or otherwise, must be kept at some useful employment suited to his age and capacity and which may tend to promote the best interest of the citizens of this State. In all cases, the decision to assign work, or disqualify a person from work, or both, is the sole discretion of the official in charge of the facility, and in all cases, no person has a basis to challenge this decision.

(C) Notwithstanding another provision of law, an inmate confined in a regional correctional facility may be served a warrant by a law enforcement officer of a county which participates in the funding of the facility without it being countersigned by the officials of the county where the regional correctional facility is located.

HISTORY: 1995 Act No. 7, Part II, Section 42; 2004 Act No. 186, Section 1; 2010 Act No. 237, Section 2, eff. June 11, 2010

#### Effect of Amendment

The 2010 amendment in subsection (B) added the last sentence relating to the discretion of the official in charge.

#### **SECTION 24-3-30. Designation of places of confinement; exceptions; notification to Department of Corrections in advance of closing of local detention facilities.**

(A) Notwithstanding any other provision of law, a person convicted of an offense against the State must be in the custody of the Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. The department may designate as a place of confinement an available available, suitable, and an appropriate institution or facility including, but not limited to, a regional, county, or municipal jail or prison camp, whether maintained by the Department of Corrections, or by some other entity. If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must be obtained first. If imprisonment for three months or less is ordered by the court as the punishment, all persons so convicted must be placed in the custody, supervision, and control of the appropriate officials of the county in which the sentence was pronounced, if the county has facilities suitable for confinement. A county or municipality, through mutual agreement or contract, may arrange with another county or municipality or a local regional correctional facility for the detention of its prisoners. The Department of Corrections must be notified by the governing body concerned not less than six months before the closing of a local detention facility which would result in the transfer of those state prisoners confined in the local facility to facilities of the department.

(B) The department shall consider proximity to the home of a person convicted of an offense against the State in designating the place of his confinement if this placement does not jeopardize security as determined by the department. Proximity to a convicted person's home must not have precedence over departmental criteria for institutional assignment.

(C) Each county or municipal administrator, or the equivalent, having charge of any local detention facilities, upon the department's designating the local facilities as the place of confinement for a prisoner, may use the prisoner assigned to them for the purpose of working the roads of the entity or for other public work. A prisoner assigned to the county must be under the custody and control of the administrator or the equivalent during the period to be specified by the director at the time of the prisoner's assignment, but the assignment must be terminated at any time the director determines that the place of confinement is unsuitable or inappropriate, or that the prisoner is employed on other than public works. If, upon termination of the assignment, the prisoner is not returned, habeas corpus lies. At the expiration or termination of a contract with a nongovernmental agency, all prisoners must be returned to the department or to the legally responsible entity of local government. If a prisoner is not returned by a nongovernmental entity when directed, then habeas corpus lies.

HISTORY: 1962 Code Section 55-321 & 1, 1974 (58) 2608, 1975 (59) 333, 1977 Act No. 185 Section 4; 1981 Act No. 181 Section 1; 1993 Act No. 181, Section 392; 1995 Act No. 7, Part II, Section 53; 1999 Act No. 68, Section 1, 2001 Act No. 50, Section 4, 2010 Act No. 237, Section 3, eff. June 11, 2010.

#### Effect of Amendment

The 2010 amendment, in the second sentence substituted "prison camp" for "work camp", and rewrote the third sentence relating to the consent of the sheriff.

#### **SECTION 24-3-40. Disposition of wages of prisoner allowed to work at paid employment.**

(A) Unless otherwise provided by law, the employer of a prisoner authorized to work at paid employment in the community under Sections 24-3-20 to 24-3-50 or in a prison industry program provided under Article 3 of this chapter shall pay the prisoner's wages directly to the Department of Corrections.

If the prisoner is serving his sentence in a local detention or correctional facility pursuant to a designated facilities agreement or in a local work/punishment program, or if the local governing body elects to operate one, then the same provisions for payment directly to the official in charge of the facility shall apply if the facility has the means to account for such monies.

The Director of the Department of Corrections, or the local detention or correctional facility manager, if applicable, shall deduct the following amounts from the gross wages of the prisoner.

(1) If restitution to a particular victim or victims has been ordered by the court, then twenty percent must be used to fulfill the restitution obligation. If a restitution payment schedule has been ordered by the court pursuant to Section 17-25-322, the twenty percent must be applied to the scheduled payments. If restitution to a particular victim or victims has been ordered but a payment schedule has not been specified by the court, the director shall impose a payment schedule of equal monthly payments and use twenty percent to meet the payment schedule so imposed.

(2) If restitution to a particular victim or victims has not been ordered by the court, or if court-ordered restitution to a particular victim or victims has been satisfied then:

(a) If the prisoner is engaged in work at paid employment in the community, five percent must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404, and fifteen percent must be retained by the department to support services provided by the department to victims of the incarcerated population; or

(b) If the prisoner is employed in a prison industry program, ten percent must be directed to the State Office of Victim Assistance for use in training, program development, victim compensation, and general administrative support pursuant to Section 16-3-1410 and ten percent must be retained by the department to support services provided by the department to victims of the incarcerated population.

(3) Thirty-five percent must be used to pay the prisoner's child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty-five percent must be used by the Department of Corrections to defray the cost of the prisoner's room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the inmate during his incarceration for the purchase of incidentals pursuant to subsection (4). This is in addition to the ten percent used for the same purpose in subsection (4).

(4) Ten percent must be available to the inmate during his incarceration for the purchase of incidentals. Any monies made available to the inmate for the purchase of incidentals also may be distributed to the person or persons of the inmate's choice.

(5) Ten percent must be held in an interest bearing escrow account for the benefit of the prisoner.

(6) The remaining balance must be used to pay federal and state taxes required by law. Any monies not used to satisfy federal and state taxes must be made available to the inmate for the purchase of incidentals pursuant to subsection (4).

(B) The Department of Corrections, or the local detention or correctional facility, if applicable, shall return a prisoner's wages held in escrow pursuant to subsection (A) as follows:

(1) A prisoner released without community supervision must be given his escrowed wages upon his release.

(2) A prisoner serving life in prison or sentenced to death shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.

(3) A prisoner released to community supervision shall receive two hundred dollars or the escrow balance, whichever is less, upon his release. Any remaining balance must be disbursed to the Department of Probation, Parole and Pardon Services. The prisoner's supervising agent shall apply this balance toward payment of the prisoner's housing and basic needs and dispense any balance to the prisoner at the end of the supervision period.

HISTORY: 1962 Code Section 55-321.2; 1966 (54) 2180; 1980 Act No. 431, Section 2, 1986 Act No. 462, Section 9; 1993 Act No. 181, Section 393, 1994 Act No. 500, Section 2, 1995 Act No. 7, Part II, Section 54; 1999 Act No. 68, Section 2; 2000 Act No. 387, Part II, Section 83A; 2010 Act No. 237, Section 4, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment rewrote subsection (A) and in subsection (B) inserted ", or the local detention or correctional facility, if applicable,".

**SECTION 24-3-45.** Repealed by 2010 Act No. 237, Section 91, eff June 11, 2010.

#### Editor's Note

Former Section 24-3-45 was entitled "Deductions from wages of inmates engaging in paid employment in the community; use of funds for victim assistance, coordination with restitution orders" and was derived from 2008 Act No. 353, Section 2, Pt 14D.

**SECTION 24-3-50.** Penalty for failure of prisoner to remain within extended limits of his confinement.

The willful failure of a prisoner to remain within the extended limits of his confinement as authorized by Section 24-3-20(b), or to return within the time prescribed to the designated place of confinement, including a local facility, is an escape and is punishable as provided in Section 24-13-410.

HISTORY: 1962 Code Section 55-321.3; 1966 (54) 2180; 2010 Act No. 237, Section 5, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment inserted "including a local facility," substituted "is an escape" for "shall be deemed an escape", deleted "from the custody of the Department of Corrections" following "an escape", and inserted "is" before "punishable".

**SECTION 24-3-60.** Notice to Department of Corrections of number of prisoners sentenced to state prison system.

The county clerks of court, upon the adjournment of the court of general session, in their respective counties, immediately shall notify the Department of Corrections of the number of prisoners sentenced by the court to imprisonment in the state prison system. The department, as soon as it receives such notice, shall send a suitable number of employees to transfer the prisoners to the state prison system.

HISTORY: 1962 Code Section 55-322; 1952 Code Section 55-322; 1942 Code Section 1983, 1932 Code Section 1983, Cr. C. '22 Section 967; Cr. C. '12 Section 986, Cr. C. '02 Section 698; G. S. 579; 1886 (19) 486; 1939 (41) 107; 1960 (51) 1917, 1993 Act No. 181, Section 394; 2010 Act No. 237, Section 6, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment rewrote the section.

**SECTION 24-3-70.** Allowable expenses incurred in transportation of prisoners; method of payment.

No sum beyond the actual expenses incurred in transferring prisoners to the Department of Corrections must be allowed for these services. This sum must be paid to the department by the State Treasurer upon the warrant of the Comptroller General.

HISTORY: 1962 Code Section 55-323; 1952 Code Section 55-323; 1942 Code Section 1984; 1932 Code Section 1984; Cr. C. '22 Section 968; Cr. C. '12 Section 987; Cr. C. '02 Section 699; R. S. 577; 1993 Act No. 181, Section 395; 2010 Act No. 237, Section 7, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment rewrote the section.

**SECTION 24-3-80.** Detention of prisoner when authorized by Governor.

The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this State by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty-eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the state prison system.

HISTORY: 1962 Code Section 55-325; 1952 Code Section 55-325; 1942 Code Section 1969, 1932 Code Section 1961; Cr. C. '22 Section 943, Cr. C. '12 Section 947; Cr. C. '02 Section 661; G. S. 2710; R. S. 546; 1868 (14) 92; 1935 (39) 476; 1960 (51) 1917; 1993 Act No. 181, Section 396; 2010 Act No. 237, Section 8, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment in the second sentence, substituted "state prison system" for "penitentiary".

**SECTION 24-3-81. Conjugal visits not permitted**

A prisoner who is incarcerated within the state prison system or who is being detained in a local jail, local detention facility, local correctional facility, or local prison camp, whether awaiting a trial or serving a sentence, is not permitted to have conjugal visits.

HISTORY: 1995 Act No. 7, Part I, Section 36; 2010 Act No. 237, Section 9, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-85. Sexually violent predators transferred to custody pursuant to interagency agreements**

The director of the prison system shall admit and detain in the Department of Corrections for safekeeping a person transferred to his custody pursuant to an interagency agreement authorized pursuant to Chapter 48 of Title 44.

HISTORY: 1998 Act No. 321, Section 4.

**SECTION 24-3-90. Prisoners sentenced by United States authorities**

The director shall receive and safely keep at hard labor, in the prison, all prisoners sentenced to confinement, at hard labor herein, by the authority of the United States until they shall be discharged agreeably to the laws of the United States.

HISTORY: 1962 Code Section 55-326; 1952 Code Section 55-326; 1942 Code Section 1970, 1932 Code Section 1970; Cr. C. '22 Section 954; Cr. C. '12 Section 958, Cr. C. '02 Section 672; G. S. 2721; R. S. 557, 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 397.

**SECTION 24-3-93. Wearing of jewelry.**

No prisoner within the state prison system shall be allowed to wear any jewelry of any description with the exception of watches not exceeding a value of \$35.00 and wedding bands. For the purposes of this section jewelry shall include, but is not limited to, rings, bracelets, necklaces, earrings, anklets, nose rings, and any other ornamentation determined by the department to constitute jewelry.

HISTORY: 1995 Act No. 7, Part I, Section 34.

**SECTION 24-3-110. Manufacture of license plates and road signs**

The State Department of Corrections may purchase the machinery and establish a plant for the purpose of manufacturing motor vehicle license plates and metal road signs. The charge for license plates and metal road signs sold to the Department of Motor Vehicles and the Department of Transportation shall be in line with the prices previously paid private manufacturers and all state motor vehicle license plates, metal road signs, and other signs capable of being manufactured by such a plant shall be purchased through the Department of Corrections and manufactured by it. The Department of Motor Vehicles may prescribe the specifications of plates and the Department of Transportation may prescribe the specifications of signs used, the specifications to include colors, quality, and quantity.

HISTORY: 1962 Code Section 55-332, 1952 Code Section 55-332; 1951 (47) 457, 1993 Act No. 181, Section 398; 1996 Act No. 459, Section 51.

**SECTION 24-3-130. Use of inmate labor on State highways or other public projects.**

(A) The Department of Corrections may permit the use of inmate labor on state highway projects or other public projects that may be practical and consistent with safeguarding of the inmates employed on the projects and the public. The Department of Transportation, another state agency, or a county, municipality, or public service district making a beneficial public improvement may apply to the department for the use of inmate labor on the highway project or other public improvement or development project. If the director determines that the labor may be performed with safety and the project is beneficial to the public, he may assign inmates to labor on the highway project or other public purpose project. The inmate labor force must be supervised and controlled by officers designated by the department but the direction of the work performed on the highway or other public improvement project must be under the control and supervision of the person designated by the agency, county, municipality, or public service district responsible for the work. No person convicted of criminal sexual conduct in the first, second, or third degree or a person who commits a violent crime while on a work release program may be assigned to perform labor on a project described by this section.

(B) The authorities involved may enter into contracts to implement the provisions of this section.

(C) Notwithstanding any other provisions of this chapter, inmates constructing work camps on county property must be supervised and controlled by armed officers and must be drawn exclusively from minimum security facilities. A work camp constructed or operated by the Department of Corrections must house only offenders classified as nonviolent. The contracting officials for the county utilizing prison inmate labor must be provided by the Department of Corrections with the most recent information concerning the composition of all work crews including the respective offenses for which the inmates have been sentenced and their custody levels.

HISTORY: 1962 Code Section 55-334; 1952 Code Section 55-334; 1942 Code Section 1964; 1933 (38) 527; 1960 (51) 1917; 1990 Act No. 569, Section 1; 1993 Act No. 181, Section 399; 2010 Act No. 237, Section 10, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment in subsection (A), in the first sentence deleted "prison" before "inmate labor", and made other nonsubstantive changes in subsection (A).

**SECTION 24-3-131. Supervision of inmates used on public projects.**

The Department of Corrections shall determine whether an agency permitted to utilize inmate labor on public projects pursuant to Section 24-3-130 can adequately supervise the inmates. If the director determines that the agency lacks the proper personnel, the agency shall be required to reimburse the department for the cost of maintaining correctional officers to supervise the inmates. In these cases the Department of Corrections shall be responsible for adequate supervision of the inmates.

HISTORY: 1979 Act No. 132 Section 1; 1993 Act No. 181, Section 400; 2010 Act No. 237, Section 11, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment, in the first sentence, substituted "inmate labor" for "convict labor", in the second sentence substituted "inmates" for "convicts", and in the third sentence, substituted "these" for "all".

**SECTION 24-3-140. Use of inmate labor on State House and Grounds.**

The Director of the Department of Corrections shall, when called upon by the keeper of the State House and Grounds, furnish such inmate labor as he may need to keep the State House and Grounds in good order.

HISTORY: 1962 Code Section 55-335; 1952 Code Section 55-335; 1942 Code Section 3207; 1932 Code Section 3207; Civ. C. '22 Section 904; Civ. C. '12 Section 825, 1909 (26) 284, 1960 (51) 1917; 1993 Act No. 181, Section 401; 2010 Act No. 237, Section 12, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment substituted "inmate labor" for "convict labor".

**SECTION 24-3-150.** Repealed by 2010 Act No. 237, Section 91, eff June 11, 2010.

**Editor's Note**

Former Section 24-3-150 was entitled "Transfer of convicts to county chain gang" and was derived from 1962 Code Section 55-335.1; 1964 (53) 1795; 1966 (54) 2165; 1993 Act No. 181, Section 402.

**SECTION 24-3-160.** Costs of maintaining Inmates by State Institutions.

An institution of this State getting inmates from the state prison system by any act or joint resolution of the General Assembly is required to pay to the Director of the Department of Corrections all monies expended by him for transportation, guarding, clothing, and feeding the inmates while working for the institutions and also for medical attention, and the officer in charge of any such institution also shall execute and deliver to the director, at the end of each year, a receipt of five dollars and fifty cents each month for the work of each inmate so employed.

**HISTORY:** 1962 Code Section 55-336; 1952 Code Section 55-336; 1942 Code Section 1980; 1932 Code Section 1978, Cr. C. '22 Section 962; Cr. C. '12 Section 974; 1908 (25) 1201; 1960 (51) 1917; 1993 Act No. 181, Section 403, 2010 Act No. 237, Section 13, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment substituted "inmate" and "inmates" for "convicts" and "convicts", substituted "Prison system" for "Penitentiary", and made other nonsubstantive changes.

**SECTION 24-3-170.** Payments by Clemson University for use of inmates.

Clemson University shall pay to the Department of Corrections a fee for all inmates used by the college at the rate of six dollars each month and shall pay the cost of clothing, feeding, and guarding the inmates while used and also the transportation of the inmates and employees back and forth from the prison to the university.

**HISTORY:** 1962 Code Section 55-337; 1952 Code Section 55-337; 1942 Code Section 1980; 1932 Code Section 1978, Cr. C. '22 Section 962; Cr. C. '12 Section 974; 1908 (25) 1201; 1960 (51) 1917; 1993 Act No. 181, Section 404; 2010 Act No. 237, Section 14, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-180.** Transportation and clothes for discharged inmates.

Whenever an inmate is discharged from a state prison, the Department of Corrections shall furnish the inmate with a suit of common clothes, if necessary, and transportation from the prison to his home or as near to it as can be done by public conveyances. The cost of transportation and clothes must be paid by the State Treasurer, on the draft of the department, countersigned by the Comptroller General

**HISTORY:** 1962 Code Section 55-338, 1952 Code Section 55-338, 1942 Code Section 1978, 1932 Code Section 1976, Cr. C. '22 Section 960; Cr. C. '12 Section 964; Cr. C. '02 Section 678; G. S. 2727, R. S. 563; 1868 (14) 69; 1939 (41) 107; 1960 (51) 1917; 1993 Act No. 181, Section 405; 2010 Act No. 237, Section 15, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-190.** Appropriation of balances for Department of Corrections.

The balance in the hands of the Department of Corrections at the close of any year, together with all other amounts received or to be received from the hire of inmates or from any other source during the current fiscal year, are appropriated for the support of the department.

**HISTORY:** 1962 Code Section 55-339, 1952 Code Section 55-339; 1942 Code Section 3207, 1932 Code Section 3207, Civ. C. '22 Section 904, Civ. C. '12 Section 825, 1909 (26) 284; 1960 (51) 1917; 1993 Act No. 181, Section 406; 2010 Act No. 237, Section 16, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment deleted "State" before "Department of Corrections", and substituted "inmates" for "convicts" and "department" for "penitentiary".

**SECTION 24-3-200.** Repealed by 2010 Act No. 237, Section 91, eff June 11, 2010.

**Editor's Note**

Former Section 24-3-200 was entitled "Transfer of prisoner to county other than county where sentenced" and was derived from 1962 Code Section 55-3.1; 1960 (51) 1779, 1917; 1971 (57) 90; 1993 Act No. 181, Section 407

**SECTION 24-3-210.** Furloughs for qualified inmates of State prison system.

(A) The director may extend the limits of the place of confinement of a prisoner, where there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to

(1) contact prospective employers;

(2) secure a suitable residence for use when released on parole or upon discharge.

(3) obtain medical services not otherwise available;

(4) participate in a training program in the community or any other compelling reason consistent with the public interest;

(5) visit or attend the funeral of a spouse, child (including stepchild, adopted child, or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person, though not a natural parent, who has acted in the place of a parent), brother, or sister.

(B) The director may extend the limits of the place of confinement of a terminally ill inmate for an indefinite length of time when there is reasonable cause to believe that the inmate will honor his trust.

(C) The willful failure of a prisoner to remain within the extended limits of his confinement or return within the time prescribed to the places of confinement designated by the director is considered an escape from the custody of the director punishable as provided in Section 24-13-410.

(D) The director may not extend the benefits of this section to a person convicted of a violent crime as defined in Section 16-1-60 unless all of the following persons recommend in writing that the offender be allowed to participate in the furlough program in the community where the offense was committed:

(1) in those cases where, as applicable, the victim of the crime for which the offender is charged, or the relatives of the victim who have applied for notification pursuant to the provisions of Article 15, Chapter 3, Title 16 if the victim has died;

(2) the law enforcement agency which employed the arresting officer of the offender; and

(3) the solicitor in whose circuit the offender was convicted

HISTORY: 1962 Code Section 55-303.1; 1967 (55) 290; 1980 Act No. 414, 1993 Act No. 181, Section 408, 1994 Act No. 477, Section 1.

### ARTICLE 3

#### Prison Industries

##### SECTION 24-3-310. Declaration of Intent.

Since the means now provided for the employment of prison labor is inadequate to furnish a sufficient number of inmates with employment, it is the intent of this article to

(1) further provide more adequate, regular, and suitable employment for the inmates of this State, consistent with proper penal purposes;

(2) further utilize the labor of inmates for self-maintenance and for reimbursing this State for expenses incurred by reason of their crimes and imprisonment;

(3) effect the requisitioning and disbursement of prison products directly through established state authorities with no possibility of private profits, and

(4) provide prison industry projects designed to place inmates in a realistic working and training environment in which they are able to acquire marketable skills and to make financial payments for restitution to their victims, for support of their families, and for the support of themselves in the institution.

HISTORY: 1962 Code Section 55-341, 1960 (51) 1933, 1987 Act No. 177, Section 1; 2010 Act No. 237, Section 17, eff June 11, 2010.

##### Effect of Amendment

The 2010 amendment, in the first sentence, substituted "prison labor" for "convict labor", substituted "inmates" for "convicts" throughout, and in item (3) deleted "therefrom" after "private profits".

##### SECTION 24-3-315. Determinations prerequisite to selecting prison industry project.

The Department of Corrections shall ensure that inmates participating in any prison industry program pursuant to the Justice Assistance Act of 1984 is on a voluntary basis. The director must determine prior to using inmate labor in a prison industry project that it will not displace employed workers that the locality does not have a surplus of available labor for the skills, crafts, or trades that would utilize inmate labor, and that the rates of pay and other conditions of employment are not less than those paid and provided for work of similar nature in the locality in which the work is performed.

HISTORY: 1987 Act No. 177 Section 2, 1993 Act No. 181, Section 409.

##### SECTION 24-3-320. Purchase of equipment and materials and employment of personnel for establishment and maintenance of prison industries.

The Department of Corrections may purchase, in the manner provided by law, equipment, raw materials, and supplies and engage the supervisory personnel necessary to establish and maintain for this State at any penal farm or institution now, or hereafter, under control of the department, industries for the utilization of services of inmates in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance, or use of any office, department, institution, or agency supported in whole or in part by this State and its political subdivisions.

HISTORY: 1962 Code Section 55-342; 1960 (51) 1933; 1993 Act No. 181, Section 410; 2010 Act No. 237, Section 18, eff June 11, 2010.

##### Effect of Amendment

The 2010 amendment deleted "State" before "Department of Corrections", deleted "the penitentiary or" before "", and made other nonsubstantive changes.

##### SECTION 24-3-330. Purchase of products produced by inmate labor by State and political subdivisions.

(A) All offices, departments, institutions, and agencies of this State supported in whole or in part by this State shall purchase, and all political subdivisions of this State may purchase, from the Department of Corrections, articles or products made or produced by inmate labor in this State or another state as provided for by this article. These articles and products must not be purchased by an office, a department, an institution, or an agency from another source, unless excepted from the provisions of this section, as provided by law. All purchases must be made from the Department of Corrections, upon requisition by the proper authority of the office, department, institution, agency, or political subdivision of this State requiring the articles or products.

(B) The Materials Management Office of the Division of General Services shall monitor the cooperation of state offices, departments, institutions, and agencies in the procurement of goods, products, and services from the Division of Prison Industries of the Department of Corrections.

HISTORY: 1962 Code Section 55-343; 1960 (51) 1933; 1981 Act No. 56 Section 1; 1993 Act No. 181, Section 411; 1995 Act No. 7, Part II, Section 55, 2010 Act No. 237, Section 19, eff June 11, 2010.

##### Effect of Amendment

The 2010 amendment in the first sentence of subsection (A), substituted "inmate labor" for "convict labor".

##### SECTION 24-3-340. Circumstances warranting State's purchasing products other than those produced by convict labor.

Notwithstanding the provisions of Sections 24-3-310 to 24-3-330 and 24-3-360 to 24-3-420, no office, department, institution, or agency of this State, which is supported in whole or in part by this State, shall be required to purchase any article or product from the Department of Corrections unless the purchase price of such article or product is no higher than that obtainable from any other producer or supplier.

HISTORY: 1962 Code Section 55-344.01; 1962 (52) 1741; 1993 Act No. 181, Section 412, 2010 Act No. 237, Section 20, eff June 11, 2010.

##### Effect of Amendment

The 2010 amendment made nonsubstantive changes.

##### SECTION 24-3-350. Dry-cleaning facilities.

The State Department of Corrections may install dry-cleaning facilities at any institution under its supervision, provided, however, that these facilities shall be used only

for cleaning State-owned uniforms of security personnel employed by the Department.

**HISTORY:** 1962 Code Section 55-344.1; 1968 (55) 3086.

**SECTION 24-3-360.** Annual preparation of catalogues describing articles produced by convict labor.

The State Department of Corrections shall cause to be prepared, annually, at times it may determine, catalogues containing the description of all articles and products manufactured or produced under its supervision pursuant to the provisions of this article. Copies of this catalogue must be sent by it to all offices, departments, institutions, and agencies of this State and made accessible to all political subdivisions of this State referred to in Sections 24-3-310 to 24-3-330. At least thirty days before the beginning of each fiscal year, the proper official of each office, department, institution, or agency, when required by the Department of Corrections, shall refer to the department estimates for fiscal year of the kind and amount of articles and products reasonably required for the ensuing year, referring in the estimates to the catalogue issued by the department insofar as articles and products indicated are included in this catalogue. However, nothing in this chapter prohibits a state office, department, institution, or agency or the political subdivisions of this State from contacting and requesting the Department of Corrections to manufacture or produce articles or products similar, but not identical, to articles or products listed in the catalogue.

**HISTORY:** 1962 Code Section 55-345; 1960 (51) 1933; 1993 Act No. 181, Section 413; 1995 Act No. 7, Part II, Section 56.

**SECTION 24-3-370.** Priority of product distribution.

The articles or products manufactured or produced by inmate labor in accordance with the provisions of this article shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions, and agencies of this State which are supported in whole or in part by this State; and, secondly, to supplying the political subdivisions of this State with such articles or products.

**HISTORY:** 1962 Code Section 55-346; 1960 (51) 1933; 2010 Act No. 237, Section 21, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment substituted "inmate labor" for "convict labor".

**SECTION 24-3-380.** Prices of products.

The State Department of Corrections shall fix and determine the prices at which all articles or products manufactured or produced shall be furnished, which prices shall be uniform and nondiscriminating to all and shall be as near as the usual market price for such as may be practicable.

**HISTORY:** 1962 Code Section 55-347; 1960 (51) 1933; 1993 Act No. 181, Section 414.

**SECTION 24-3-390.** Rules and regulations.

The State Department of Corrections shall have power and authority to prepare and promulgate rules and regulations which are necessary to give effect to the provisions of this article with respect to matters of administration and procedure respecting it.

**HISTORY:** 1962 Code Section 55-348; 1960 (51) 1933; 1993 Act No. 181, Section 415.

**SECTION 24-3-400.** Prison Industries Account.

All monies collected by the Department of Corrections from the sale or disposition of articles and products manufactured or produced by inmate labor, in accordance with the provisions of this article, must be forthwith deposited with the State Treasurer to be kept and maintained as a special revolving account designated "Prison Industries Account", and the monies so collected and deposited must be used solely for the purchase of manufacturing supplies, equipment, machinery, and buildings used to carry out the purposes of this article, as well as for the payment of the necessary personnel in charge, and to otherwise defray the necessary expenses incident thereto and to discharge any existing obligation to the Sinking Funds and Property Division of the Department of Administration, all of which must be under the direction and subject to the approval of the Director of the Department of Corrections. The Department of Corrections shall contribute an amount of not less than five percent nor more than twenty percent of the gross wages paid to inmate workers participating in any prison industry project established pursuant to the Justice Assistance Act of 1984 (P.L. 98-473) and promptly place these funds on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984 (P.L. 98-473, Title 2, Chapter 14, Section 1404). The Prison Industries Account must never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this article. When, in the opinion of the Director of the Department of Corrections, the Prison Industries Account has reached a sum in excess of the requirements of this article, the excess must be used by the Department of Corrections for operating expenses and permanent improvements to the state prison system, subject to the approval of the State Fiscal Accountability Authority, or the Department of Administration, as applicable.

**HISTORY:** 1962 Code Section 55-349; 1960 (51) 1933; 1961 (52) 539; 1969 (56) 444, 1987 Act No. 177 Section 3, 1993 Act No. 181, Section 416; 2010 Act No. 237, Section 22, eff June 11, 2010.

**Code Commissioner's Note**

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

**Effect of Amendment**

The 2010 amendment, in the first sentence, substituted "inmate labor" for "convict labor" and twice deleted "State" before "Department of Corrections".

**SECTION 24-3-410.** Sale of prison-made products on open market generally prohibited, penalties.

(A) It is unlawful to sell or offer for sale on the open market of this State articles or products manufactured or produced wholly or in part by inmates in this or another state.

(B) The provisions of this section do not apply to

- (1) articles manufactured or produced by persons on parole, probation, or community supervision;
- (2) the production of cattle, hogs, cotton, Turkish tobacco, soybeans, and wheat;
- (3) products sold by the Department of Corrections made by inmates in the hobbycraft program;
- (4) articles or products sold to nonprofit corporations incorporated under the provisions of Article 1, Chapter 31 of Title 33, or to organizations operating in this State which have been granted an exemption under Section 501(c) of the Internal Revenue Code of 1986;
- (5) road and street designation signs sold to private developers;
- (6) articles or products made in an adult work activity center established by the Department of Corrections through contracts with private sector businesses which provide work and vocational training opportunities for the physically handicapped, persons with intellectual disability, or aged inmates where the compensation is paid by the private sector business to the inmate on a piece completed basis;

(7) products sold intrastate or interstate produced by inmates of the Department of Corrections employed in a federally certified private sector/prison industries program if the inmate workers participate voluntarily, receive comparable wages, and the work does not displace employed workers. For purposes of this item, "products" does not include goods and Standard Industrial Classification Code 27. The Department of Labor shall develop guidelines to determine if the work displaces employed workers.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five thousand dollars or imprisoned for not less than three months nor more than one year, or both. Each sale or offer for sale is a separate offense under this section. Proceeds of the sale of agricultural products, when produced by an instrumentally under control of the State Department of Corrections, must be applied as provided in Section 24-1-250.

HISTORY: 1962 Code Section 55-349.1; 1960 (51) 1933, 1961 (52) 471, 1962 (52) 1961; 1963 (53) 506, 1967 (55) 280, 1978 Act No. 556; 1980 Act No. 418; 1981 Act No. 56 Section 2; 1982 Act No. 293, Section 2; 1991 Act No. 19, Section 1; 1993 Act No. 181, Section 417; 1994 Act No. 364, Section 1; 1995 Act No. 83, Section 24.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, Section 14(B), the Code Commissioner substituted "intellectual disability" for "mentally retarded" and "person with intellectual disability" or "persons with intellectual disability" for "mentally retarded".

#### SECTION 24-3-420. Violations.

Any person who wilfully violates any of the provisions of this article other than Section 24-3-410 is guilty of a misdemeanor and, upon conviction, shall be confined not less than ten days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both, in the discretion of the court.

HISTORY: 1962 Code Section 55-349.2, 1960 (51) 1933, 2010 Act No. 237, Section 23, eff June 11, 2010

#### Effect of Amendment

The 2010 amendment substituted "is guilty" for "shall be guilty" and deleted "in jail" after "shall be confined".

#### SECTION 24-3-430. Inmate labor in private industry authorized, requirements and conditions.

(A) The Director of the Department of Corrections may establish a program involving the use of inmate labor by a nonprofit organization or in private industry for the manufacturing and processing of goods, wares, or merchandise or the provision of services or another business or commercial enterprise considered by the director to enhance the general welfare of South Carolina. No violent offender shall be afforded the opportunity to perform labor for nonprofit organizations if such labor is outside the confines of a correctional institution. Inmates participating in such labor shall not benefit in any manner contradictory to existing statutes.

(B) The director may enter into contracts necessary to implement this program. The contractual agreements may include rental or lease agreements for state buildings or portions of them on the grounds of an institution or a facility of the Department of Corrections and provide for reasonable access to and egress from the building to establish and operate a facility.

(C) An inmate may participate in the program established pursuant to this section only on a voluntary basis and only after he has been informed of the conditions of his employment.

(D) No inmate participating in the program may earn less than the prevailing wage for work of similar nature in the private sector.

(E) Inmate participation in the program may not result in the displacement of employed workers in the State of South Carolina and may not impair existing contracts for services.

(F) Nothing contained in this section restores, in whole or in part, the civil rights of an inmate. No inmate compensated for participation in the program is considered an employee of the State.

(G) No inmate who participates in a project designated by the Director of the Bureau of Justice Assistance pursuant to Public Law 90-351 is eligible for unemployment compensation upon termination from the program.

(H) The earnings of an inmate authorized to work at paid employment pursuant to this section must be paid directly to the Department of Corrections and applied as provided under Section 24-3-40.

HISTORY: 1995 Act No. 7, Part II, Section 43, 1998 Act No. 355, Section 1.

### ARTICLE 5

#### Capital Punishment

#### SECTION 24-3-510. Death sentence and notice thereof

Upon the conviction of any person in this State of a crime the punishment of which is death, the presiding judge shall sentence such convicted person to death according to the provisions of Section 24-3-530 and make such sentence in writing. Such sentence shall be filed with the papers in the case against such convicted person and a certified copy thereof shall be transmitted by the clerk of the court of general sessions in which such sentence is pronounced to the Director of the Department of Corrections not less than ten days prior to the time fixed in the sentence of the court for the execution of it.

HISTORY: 1962 Code Section 55-371; 1952 Code Section 55-371; 1942 Code Section 1988, 1932 Code Section 1988; Cr. C. '22 Section 972; 1912 (27) 702; 1960 (51) 1917; 1993 Act No. 181, Section 418.

#### SECTION 24-3-520. Transportation of inmate sentenced to death.

The facility manager who has custody of an inmate for the county in which the inmate is sentenced shall transfer the inmate as soon as practical to the custody of the Department of Corrections at a place designated by its director, unless otherwise directed by the Governor or unless a stay of execution has been caused by appeal or the granting of a new trial or other order of a court of competent jurisdiction.

HISTORY: 1962 Code Section 55-372, 1952 Code Section 55-372; 1942 Code Section 1988, 1932 Code Section 1988, Cr. C. '22 Section 972, 1912 (27) 702, 1960 (51) 1917; 1993 Act No. 181, Section 419; 2010 Act No. 237, Section 24, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment rewrote the section.

#### SECTION 24-3-530. Death by electrocution or lethal injection.

(A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection under the direction of the Director of the Department of Corrections. The election for death by electrocution or lethal injection must be made in writing fourteen days before the execution date or it is waived. If the person waives the right of election, then the penalty must be administered by lethal injection.

(B) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection in writing fourteen days before the execution date

(C) If execution by lethal injection under this section is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution

HISTORY: 1962 Code Section 55-373; 1952 Code Section 55-373; 1942 Code Section 1986; 1932 Code Section 1986; Cr. C. '22 Section 970; 1912 (27) 702; 1960 (51) 1917; 1993 Act No. 181, Section 420; 1995 Act No. 83, Section 25, 1995 Act No. 108, Section 1.

**SECTION 24-3-540. Death chamber; expenses incurred in transporting criminal to place of execution.**

The Department of Corrections shall provide a death chamber and all necessary appliances for inflicting this penalty and pay the costs thereof out of any funds in its hands. The expense of transporting an inmate to the state prison system must be borne by the county in which the offense was committed.

HISTORY: 1962 Code Section 55-374; 1952 Code Section 55-374; 1942 Code Section 1987; 1932 Code Section 1987; Cr. C. '22 Section 971; 1912 (27) 702; 1960 (51) 1917; 1993 Act No. 181, Section 421; 2010 Act No. 237, Section 25, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-550. Witnesses at execution.**

(A) To carry out an execution properly, the executioner and necessary staff must be present at the execution. In addition, the following persons may be present:

(1) three representatives, approved by the director, of the family of a victim of the crime for which a death penalty was imposed, provided that, if there is more than one victim, the director may reduce the number of family representatives to one representative for each victim's family; provided further, that, if there are more than two victims, the director may restrict the total number of victims' representatives present in accordance with the space limitations of the Capital Punishment Facility,

(2) the solicitor, or an assistant solicitor or former solicitor designated by the solicitor, for the county where the offense occurred,

(3) a group of not more than three representatives of the South Carolina media, one of whom must represent the dominant wire service, one of whom must represent the print media, and one of whom must represent the electronic news media;

(4) the chief law enforcement officer, or an officer designated by the chief, from the law enforcement agency that had original jurisdiction in the case; and

(5) the counsel for the inmate and a religious leader. However, the inmate may substitute one person from his immediate family for either his counsel or a religious leader, or two persons from his immediate family for both his counsel and a religious leader. For purposes of this item, "immediate family" means those persons eighteen years of age or older who are related to the inmate by blood, adoption, or marriage within the second degree of consanguinity

(B) Other than those persons specified in subsection (A), no person is authorized to witness an execution

(C) The department shall establish internal policies to govern the selection of media representatives

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution.

(E) For security purposes, the director may exclude any person who is authorized or approved pursuant to this section from the Capital Punishment Facility

HISTORY: 1962 Code Section 55-375; 1952 Code Section 55-375; 1942 Code Section 1989; 1932 Code Section 1989; Cr. C. '22 Section 973; 1912 (27) 702; 1967 (55) 281; 1990 Act No. 477, Section 1; 1993 Act No. 181, Section 422; 1997 Act No. 124, Section 1; 2000 Act No. 247, Section 1; 2004 Act No. 263, Section 12; 2010 Act No. 237, Section 26, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment in subsection (A)(5), substituted "inmate" for "convict" in three instances.

**SECTION 24-3-560. Certification of execution.**

The executioner and the attending physician shall certify the fact of such execution to the clerk of the court of general sessions in which the sentence was pronounced. The certificate shall be filed by the clerk with the papers in the case.

HISTORY: 1962 Code Section 55-376; 1952 Code Section 55-376; 1942 Code Section 1990; 1932 Code Section 1990; Cr. C. '22 Section 974; 1912 (27) 702; 2010 Act No. 237, Section 27, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment made nonsubstantive changes.

**SECTION 24-3-570. Disposition of body.**

The body of the person executed must be delivered to his relatives. If no claim is made by relatives for the body, it must be disposed of in the same manner as bodies of inmates who die in the state prison system. If the nearest relatives of a person executed desire that the body be transported to the person's former home, the expenses for this transportation must be paid by the state prison system.

HISTORY: 1962 Code Section 55-377; 1952 Code Section 55-377; 1942 Code Section 1991; 1932 Code Section 1991; Cr. C. '22 Section 975; 1912 (27) 702; 2010 Act No. 237, Section 28, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-580. Disclosure of identity of execution team member prohibited; exception; civil cause of action; damages.**

A person may not knowingly disclose the identity of a current or former member of an execution team or disclose a record that would identify a person as being a current or former member of an execution team. However, this information may be disclosed only upon a court order under seal for the proper adjudication of pending litigation. Any person whose identity is disclosed in violation of this section shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a willful violation of this section, punitive damages.

HISTORY: 2010 Act No. 203, Section 1, eff June 7, 2010.

**SECTION 24-3-590. Prohibition of denial of license to execution team member.**

No licensing agency, board, commission, or association may file, attempt to file, initiate a proceeding, or take any action to revoke, suspend, or deny a license to any person solely because that person participated in the execution of a sentence of death on a person convicted of a capital crime as authorized by law or the director.

HISTORY: 2010 Act No. 203, Section 2, eff June 7, 2010.

## ARTICLE 7

### Suppression of Disorders, Riots and the Like

#### **SECTION 24-3-710.** Conduct in state prison system.

The director may investigate any misconduct occurring in the state prison system, provide suitable punishment and execute it, and take all precautionary measures as in his judgment will make for the safe conduct and welfare of the institutions. The director may suppress any disorders, riots, or insurrections that may take place in the prison system and prescribe rules and promulgate regulations which in his judgment are reasonably necessary to avoid any occurrence. This same authority applies to the official in charge of a county, municipal, or regional jail, detention facility, or other local facility that houses individuals awaiting trial, serving sentence, or awaiting transfer to another facility, or both.

HISTORY: 1962 Code Section 55-351; 1952 Code Section 55-351; 1942 Code Section 1962, 1939 (41) 107, 1993 Act No. 181, Section 423; 2010 Act No. 237, Section 29, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment rewrote the section.

#### **SECTION 24-3-720.** Enlisting aid of citizens to suppress prisoner riot, disorder or insurrection.

In order to suppress any disorders, riots, or insurrection among the prisoners, the Director of the Department of Corrections may require the aid and assistance of any of the citizens of the State.

HISTORY: 1962 Code Section 55-352; 1952 Code Section 55-352; 1942 Code Section 1972, 1932 Code Section 1965, Cr. C. '22 Section 949; Cr. C. '12 Section 953, Cr. C. '02 Section 667; G. S. 2716; R. S. 552; 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 424, 2010 Act No. 237, Section 30, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment made nonsubstantive changes.

#### **SECTION 24-3-730.** Neglecting or refusing aid; fine.

If any person, when so required by the Director of the Department of Corrections, shall neglect or refuse to give such aid and assistance, he shall pay a fine not exceeding fifty dollars.

HISTORY: 1962 Code Section 55-353; 1952 Code Section 55-353; 1942 Code Section 1973, 1932 Code Section 1966, Cr. C. '22 Section 950; Cr. C. '12 Section 954; Cr. C. '02 Section 668; G. S. 2717; R. S. 553; 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 425.

#### **SECTION 24-3-740.** Compensation for assistance.

Any person so aiding and assisting the Director of the Department of Corrections shall receive a reasonable compensation, to be paid by the department, and allowed him on the settlement of his account.

HISTORY: 1962 Code Section 55-354; 1952 Code Section 55-354; 1942 Code Section 1974; 1932 Code Section 1967; Cr. C. '22 Section 951; Cr. C. '12 Section 955; Cr. C. '02 Section 669; G. S. 2718; R. S. 554; 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 426, 2010 Act No. 237, Section 31, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment made nonsubstantive changes.

#### **SECTION 24-3-750.** Immunity.

If, in suppressing a disorder, riot, or insurrection, a person who is acting, aiding, or assisting in committing the same is wounded or killed, the Director of the Department of Corrections, the keeper or a person aiding or assisting him must be held as justified and guiltless.

HISTORY: 1962 Code Section 55-355; 1952 Code Section 55-355; 1942 Code Section 1975; 1932 Code Section 1968, Cr. C. '22 Section 952; Cr. C. '12 Section 956; Cr. C. '02 Section 670; G. S. 2719; R. S. 555; 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 427, 2010 Act No. 237, Section 32, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment made nonsubstantive changes.

#### **SECTION 24-3-760.** Powers of keeper in regard to disorders in absence of Director

In the absence of the Director of the Department of Corrections, the keeper has the same power in suppressing disorders, riots, and insurrections and in requiring aid and assistance in so doing that is given to the director.

HISTORY: 1962 Code Section 55-356; 1952 Code Section 55-356; 1942 Code Section 1976; 1932 Code Section 1969, Cr. C. '22 Section 953; Cr. C. '12 Section 957; Cr. C. '02 Section 671; G. S. 2720; R. S. 556; 1868 (14) 94; 1960 (51) 1917; 1993 Act No. 181, Section 428, 2010 Act No. 237, Section 33, eff June 11, 2010.

#### Effect of Amendment

The 2010 amendment made nonsubstantive changes.

## ARTICLE 9

### Miscellaneous Provisions

#### **SECTION 24-3-910.** Penitentiary employee aiding in escape; penalty.

It is unlawful for a person employed in keeping, taking care of, or guarding a correctional facility or its prisoners to contrive, procure, connive at, or otherwise voluntarily suffer or permit the escape of a prisoner.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years.

**HISTORY:** 1962 Code Section 55-357; 1952 Code Section 55-357, 1942 Code Section 1977; 1932 Code Section 1975; Cr. C. '22 Section 959; Cr. C. '12 Section 963; Cr. C. '02 Section 676; G. S. 2725; R. S. 561; 1868 (14) 95, 1993 Act No. 184, Section 200.

**SECTION 24-3-920.** Rewards for capture of escaped inmates.

The Director of the Department of Corrections may award up to two thousand dollars for information leading to the capture of each escaped inmate. Funds to support such awards shall be generated from monies or things of value used as money found in the unlawful possession of a prisoner and confiscated as contraband by the Department of Corrections.

**HISTORY:** 1962 Code Section 55-358; 1952 Code Section 55-358, 1942 Code Section 1981, 1932 Code Section 1979; Cr. C. '22 Section 963, Cr. C. '12 Section 976; Cr. C. '02 Section 689; G. S. 2734; R. S. 570; 1881 (17) 952, 1960 (51) 1917, 1979 Act No. 132, Section 3; 1993 Act No. 181, Section 429, 2008 Act No. 353, Section 2, Pt 14B, eff July 1, 2009; 2010 Act No. 237, Section 34, eff June 11, 2010.

**Effect of Amendment**

The 2008 amendment in the first sentence substituted "may award up to two thousand dollars for information leading to" for "shall offer a reward of one hundred dollars for"; and added the second sentence relating to the source of the reward funds.

The 2010 amendment substituted "escaped inmate" for "escaped convict".

**SECTION 24-3-930.** Guards, keepers and other employees exempt from jury, military or street duty.

All guards, keepers, officers, and other employees who are employed at the state prison system are exempted from serving on juries and from military or street duty.

**HISTORY:** 1962 Code Section 55-381; 1952 Code Section 55-307, 1942 Code Section 1979, 1932 Code Section 1977, Cr. C. '22 Section 961; Cr. C. '12 Section 965; Cr. C. '02 Section 679; G. S. 2728; R. S. 564; 1872 (15) 232; 2010 Act No. 237, Section 35, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-940.** Gambling prohibited.

Gambling is not permitted at a prison, farm, or camp where inmates are kept or worked. An officer or employee engaging in, or knowingly permitting, gambling at a prison, farm, or camp must be dismissed immediately.

**HISTORY:** 1962 Code Section 55-382; 1960 (51) 1917; 2010 Act No. 237, Section 36, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-950.** Contraband.

It shall be unlawful for any person to furnish or attempt to furnish any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the director to be contraband. It shall also be unlawful for any prisoner under the jurisdiction of the Department of Corrections to possess any matter declared to be contraband. Matters considered contraband within the meaning of this section shall be those which are determined to be such by the director and published by him in a conspicuous place available to visitors and inmates at each correctional institution. Any person violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both.

**HISTORY:** 1962 Code Section 55-383, 1960 (51) 1917; 1972 (57) 2514; 1993 Act No. 181, Section 430.

**SECTION 24-3-951.** Possession or use of United States currency by prisoners prohibited; exceptions; system of credits.

Effective July 1, 1995, notwithstanding Section 24-3-956 and any other provision of law, United States currency or money, as it relates to use within the state prison system, is declared contraband and must not be utilized as a medium of exchange for barter or financial transaction between prisoners or prison officials and prisoners within the state prison system, except prisoners on work release or in other community based programs. Inmates must not possess United States currency. All financial disbursements to prisoners or mediums of exchange between prisoners and between the prison system and prisoners shall be transacted with a system of credits.

**HISTORY:** 1995 Act No. 7, Part I, Section 37; 2010 Act No. 237, Section 37, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment made nonsubstantive changes.

**SECTION 24-3-960.** Monies in unlawful possession of prisoners as contraband; use in welfare fund.

Monies or tokens or things of like nature used as money found in the unlawful possession of a prisoner confined in a penal institution under control of the Department of Corrections is contraband, and monies or tokens or things of like nature used as money seized must be deposited in a fund maintained by the department and is the property of the fund. This fund must be used to aid drug interdiction efforts undertaken by the department.

**HISTORY:** 1962 Code Section 55-384; 1963 (53) 505; 1993 Act No. 181, Section 431; 1997 Act No. 155, Part II, Section 47A

**SECTION 24-3-965.** Certain offenses relating to contraband to be tried in magistrate's court.

Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 24-3-950, and 24-7-155, the offenses of furnishing contraband, other than weapons or illegal drugs, to an inmate under the jurisdiction of the Department of Corrections or to an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, and the possession of contraband, other than weapons or illegal drugs, by an inmate under the jurisdiction of the Department of Corrections or by an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility must be tried exclusively in magistrate's court. Matters considered contraband within the meaning of this section are those which are designated as contraband by the Director of the Department of Corrections or by the local facility manager.

**HISTORY:** 2000 Act No. 376, Section 3; 2010 Act No. 237, Section 38, eff June 11, 2010.

**Effect of Amendment**

The 2010 amendment rewrote the section.

**SECTION 24-3-970.** Use of a social networking site by an inmate to contact a victim; penalty.

It is unlawful for an inmate, or a person acting on behalf of or enabling an inmate, to utilize any Internet-based social networking website for purposes of harassing,

Intimidating, or otherwise contacting a crime victim. An inmate or person acting on behalf of an inmate utilizing an Internet-based social networking website for purposes described herein is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

The provisions of this section apply only to inmates incarcerated in a State Department of Corrections facility.

HISTORY: 2012 Act No. 234, Section 1, eff June 18, 2012.