

From: Baker, Josh <JoshBaker@gov.sc.gov>
To: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Soura, Christian <ChristianSoura@gov.sc.gov>
CC: Patel, Swati <SwatiPatel@gov.sc.gov>
Date: 4/30/2014 9:36:44 AM
Subject: RE: S. 1207

Upon review, I think that this may be something worth discussing further.

Terms of probation and community supervision can run concurrently with civil commitment for sexually violent predators (SVP), so if the SVP is ever released from civil commitment, they never fulfill terms of post-release community supervision or parole because those terms have expired.

PPP traditionally worked around this by asking judges to toll, or pause, the terms of community supervision or parole during the ordered term of commitment, but there has been a legal challenge to this. A South Carolina supreme court ruling in 2012 indicated that court-ordered tolling of probation during civil commitment turned civil commitment into punitive commitment, effectively extending an individual's criminal sentence. Because the SVP program is intended to be mental health treatment, the lack of supervision by PPP is incidental to that treatment, and not any wrongdoing by the offender that prevents the state from supervising them therefore giving cause for the state to toll supervision.

What PPP is trying to do is create a statute that uniformly pauses the terms of parole or community supervision while a person is in a period of civil commitment as a SVP. I think we should run this by the governor, but I think we can have this bill move forward.

Thoughts?

jdb

From: Veldran, Katherine
Sent: Wednesday, April 30, 2014 8:50 AM
To: Soura, Christian; Baker, Josh
Subject: Fwd: S. 1207

Please review below. Is this something we want to move on? Please advise.
KV

Katherine Veldran
Office of Governor Nikki Haley
803-767-7583

Begin forwarded message:

From: Martha Casto <MarthaCasto@scsenate.gov>
Date: April 30, 2014 at 8:34:58 AM EDT
To: "Veldran, Katherine" <KatherineVeldran@gov.sc.gov>
Subject: S. 1207

S. 1207 is on the calendar for 3rd reading. It was requested by PPP and relates to sexual violent predators and their probation. For 2 weeks Sen. Malloy carried it over. I emailed the PPP lobbyist and asked that he have Kela give Malloy a call since it is a PPP bill. He let it get 2nd reading before break – but then he moved to carry it over again yesterday. If they really want and need the bill – will you

please check with Kela and ask her to contact Malloy again??

Thanks!

Martha