

Good news coming for South Carolina

written by DonT | March 17, 2022



By Don . . . This looks like it may be a good year for registrants in South Carolina. The legislature is busy and determined to pass legislation in response to last year's Supreme Court decision that our lifetime registration without benefit of a way off is unconstitutional. [According to WSPA.com](https://www.wspa.com), "Right now, the only way for someone to be removed from the registry is their offense is overturned, reversed or vacated on appeal."

Legislators will not be overly lenient, but some good things are coming out of this effort. As of this writing, there are parallel bills active in both houses of the legislature. They are similar but have one notable difference with regard to the exit procedure.

One of the most significant benefits of these bills is that the SC Code will now have the tiers defined, listing which offenses result in the tier assignments. Since AWA was implemented, South Carolina has used a set of unpublished

guidelines from the attorney general's office that have resulted in a large percentage of the registry being assigned to Tier III, which requires quarterly registration verification. The new tier definitions will push many people down one tier from their current assignments. The discussion relevant to this issue at the subcommittee meetings has not included one word of objection, not even from the attorney general, so these definitions appear to be locked in.

Both bills propose time limits after which a registrant can be removed from the registry. Both are too long: 15 years for Tier I and 25 or 30 years for Tiers II and III. The time limits are still subject to discussion, and considerable testimony was presented in both committees requesting shorter times. They will not go below the AWA requirements of 10 years for Tier I and 25 years for Tiers II and III. The removal process is still open for discussion, with options being some possibility for an administrative removal by the State Law Enforcement Division (SLED), which controls the registry, versus petitioning the court for removal. It looks like some compromise or combination will make it to the final bill.

It is also likely that children under fourteen will be exempt from being put on the registry, and that for juveniles being processed in family court, judges will be given the discretion of whether or not to place offenders on the registry, based on the circumstances of the case and evaluations of the defendant. Still up for discussion is the potential for juveniles to be removed at age 21 by petitioning the family court.

This is still a work in progress. There is a long way to go before these bills become law, and there are two more approval layers where they can still be amended by legislators without even allowing comment by the public. The old saying, "Don't count your chickens before they hatch!" is appropriate here. But the momentum at this time is all in our favor, and this writer is the most optimistic he has been in nearly a decade

of tracking the legislature.