



## **Criminal Justice Law Reform in South Carolina: Front End Reforms, Substantial Savings**

In 2010, South Carolina passed the Omnibus Crime Reduction and Sentencing Reform Act, (S. 1154), the result of a Justice Reinvestment Initiative process. The bill was one of the most comprehensive pieces of legislation a JRI state has produced. It featured numerous significant reforms, including:

- Raising the Felony Theft Threshold to \$2,000 (from \$1,000);
- Eliminating the crack/powder cocaine disparity;
- Giving prosecutors discretion whether to charge a defendant under the habitual offender statute (this was previously automatic);
- Repealing statutory minimum for 1<sup>st</sup> time drug distribution;
- Repealing mandatory minimums for distribution with one prior drug offense, and for distribution with two priors if both were possession;
- Establishing 5 and 10 year “cleansing periods” for prior drug offenses, after which they stop counting as priors for drug offense sentencing purposes;
- Requiring probation to use intermediate sanctions before revoking a person from community supervision and to assess the availability of community-based options in determining the appropriate sanction; and
- Requiring the department of probation to grant 20 days of earned compliance credits for every 30 days of supervision without incident.

**According to South Carolina’s Sentencing Reform Oversight Committee’s 2012 State Expenditures Savings Report,<sup>1</sup> the state’s focus on serious front end sentencing reform paid off.**

*Prison Population:* In FY 2013, South Carolina saw a 2.8% one-year decrease in the prison population and an 8.2% decrease in the prison population since 2010. This decrease has disproportionately impacted incarceration rates for nonviolent crime. In 2002, 54% of the prison population was incarcerated for a non-violent crime, while only 46% was in for a violent crime. By 2013, only 37% of the prison population was locked up for a non-violent crime, while 63% was in for violent crime.

*Prison Admissions:* South Carolina saw even more impressive results with regard to admissions to prison. The state experienced a 5.9% one-year decrease from FY 2012 and an incredible 24% decrease in prison admissions since 2010. This is due almost entirely to decreases in non-violent admissions. There was a 27.9% decrease in admissions for non-violent crimes and no significant decrease in admissions to prison for violent crimes over the same period.

*Supervision:* There has been significant improvement in South Carolina’s community supervision system as well. Admissions to prison because of technical violations were down 21% since FY 2012 and down 49% since 2010. Over the same period, the use of intermediate sanctions for technical violations rose substantially. FY 2013 saw a 27% one year increase in the use of administrative sanctions, and a 69% increase since 2010.

*Crime:* In the wake of these reforms, the violent crime rate has dropped. While the violent crime rate was just under 68 per 10,000 residents in 2009, it fell to just under 60 per 10,000 residents in 2011.<sup>2</sup>

*Savings:* All told, the Sentencing Reform Oversight Committee found the state expenditure savings to be over \$5,000,000 in FY 2013.

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<sup>1</sup> Available at: <http://scstatehouse.gov/citizensinterestpage/SentencingReformOversightCommittee/Reports/2013SCSROCStateExpendituresSavingsReport.pdf>

<sup>2</sup> Robert Kittle, “S.C. Prison Population Drops, Saving \$5.2 Million,” *WLTX* (available here: <http://www.wltx.com/news/article/258022/2/SC-Prison-Population-Drops-Saving-52-Million>).