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AN ORDINANCE TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY

WHEREAS, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended, provides for the establishment of a Home Detention Program as an alternative to confining certain criminal offenders in Beaufort County Detention Center; and

WHEREAS, there are many financial and other advantages to Beaufort County which would result from the establishment of such a program; and

WHEREAS, it is the opinion of the Beaufort County Council that a Home Detention Program, should be established in Beaufort County as an alternative to incarceration.

NOW, THEREFORE, BE IT ORDAINED BY THE BEAUFORT COUNTY COUNCIL:

SECTION 1. A Home Detention Program is hereby established in Beaufort County as an alternative to confinement in Beaufort County Detention Center in accordance with the Home Detention Act of 1990 (§24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.);

SECTION 2. Pursuant to §24-13-1530, *Code of Laws of South Carolina*, 1976, as amended, electronic and non-electronic home detention programs may be used by any court in Beaufort County having criminal or juvenile jurisdiction to sentence an individual to incarceration and whose sentences do not place them in the custody of the South Carolina Department of Corrections. The Home Detention Program hereby established shall be an alternative to incarceration for low risk, nonviolent adults and juvenile offenders who are selected by the court and who comply with the Regulations adopted by Beaufort County in accordance with §24-13-1540, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 3. The Home Detention Program hereby established in Beaufort County shall comply with all applicable state and local laws and regulations, including, but not limited to, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 4. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 5. This Ordinance shall take effect upon third reading approval.

Adopted this 28th day of March, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 

Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:


Ladson F. Howell, Staff Attorney

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading: February 28, 2011

Second Reading: March 14, 2011

Public Hearing: March 28, 2011

Third and Final Reading: March 28, 2011