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Crime bills may get some traction

More search authority, penalties among aims

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After more than two years of debate, state lawmakers appear ready to tackle at least some anti-crime measures that police leaders say are necessary to shore up South Carolina's criminal justice system.

A coalition of police chiefs, prosecutors and mayors have repeatedly warned that failure to act on the measures puts the public at risk. But the legislation has repeatedly stalled and bogged down in committees as lawmakers shifted attention to the state budget crisis and other concerns.

House Speaker Bobby Harrell said he is optimistic the legislation will gain traction in the upcoming session, with action possible on one bill that would give police more authority to search offenders on probation and parole. Other bills in the pipeline include proposals that would increase penalties for attempted murder and allow judges to deny bail to repeat offenders charged with new crimes.

"I think folks understand that this legislation is important," Harrell said. "While there have been some legitimate concerns, our opponents have been willing to sit down and compromise to get these important reforms done."

One compromise appears to have smoothed the way for a controversial bill that would allow police to search parolees and probationers without a warrant. Many lawmakers had concerns about giving police free access to homes where offenders live with friends or relatives who have done nothing wrong. The bill's prospects have brightened since supporters agreed to drop residences from the bill, limiting searches to the offenders' person or private vehicle, authorities said.

Ninth Circuit Solicitor Scarlett Wilson said the bill only intends to ensure that offenders on community supervision follow the law. "These people are serving out a sentence and they just happen to be serving it on the street rather than a prison cell," she said. "They shouldn't have any more rights that someone in a prison cell."

North Charleston Police Chief Jon Zumalt said the bill is imperative to his community, which is home to nearly 2,000 offenders on probation and parole. With state cutbacks and probation agents overwhelmed with cases, police need to be able to step into the breach to ensure offenders are towing the line, he said.

Rep. Leon Stavrinakis, D-Charleston, sits on the House Judiciary Committee, which is mulling the bill. He said Charleston Police Chief Greg Mullen and others have worked hard to alleviate legislators' concerns with the measure. "I think there is a good chance it will move forward," he said.

Not everyone is sold, however.

State Rep. Todd Rutherford, a Columbia Democrat on the Judiciary Committee, said the bill still threatens civil rights and is "eerily reminiscent of Nazi Germany or Soviet-era Russia."

"This bill scares a lot of people," he said. "To allow anyone in law enforcement unfettered access to any individual goes well beyond what anyone would have foreseen in our Constitution when they wrote it."

Still, Rutherford, an attorney, said he suspects the measure and others like it may pass due to heavy pressure on lawmakers from the Charleston delegation and the Holy City's longtime mayor, Joe Riley.

In January 2009, Riley organized a coalition of officials that met in Columbia to press lawmakers to pass eight anti-crime bills. Other proposals include barring convicted criminals from legally possessing pistols and military-style rifles, toughening penalties for offenders who possess firearms while selling or making drugs and requiring criminals to serve at least 85 percent of their sentences in jail. More than 30 officials have lent their support, including State Law Enforcement Division Director Reggie Lloyd and S.C. Attorney General Henry McMaster.

Riley said he and his colleagues have no intention of letting up. In his wallet, the mayor carries a photo of 15-year-old Jermel Brown, who was gunned down beneath an Interstate 26 overpass on June 29, allegedly by two brothers who are habitual offenders. It reminds him of the damage career criminals can do when allowed to slip through the cracks.

"What we are pushing for is what 95 percent of the people in South Carolina want," Riley said. "It just makes sense. When people realize the gaps that exist in the legal system, they realize these reforms are needed."

Victoria Middleton, executive director for the American Civil Liberties Union of South Carolina, said the state would be better off taking an overall, "holistic" approach to reforming the criminal justice system and investing in programs that help ex-convicts re-enter society without returning to lives of crime. "Stand-alone" measures that threaten civil liberties don't accomplish that goal, she said.

Mullen, however, is among those convinced the measures would make a decided difference, filling gaps police can't close on their own. Violent crime dropped 22 percent in the city last year in the wake of police efforts to improve crime analysis, better target resources and build community cooperation. But getting people to cooperate would be much easier if they knew the career criminals they were informing on wouldn't be back out on the streets just hours or days later on bail, Mullen said.

"This legislation really is the missing link in there with the things we have been doing," he said.

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