



June 5, 2023

The Honorable Thomas Alexander
213 Gressette Building
Columbia, S.C. 29201

The Honorable Murrell Smith
506 Blatt Building
Columbia, S.C. 29201

The Honorable Gerald Malloy
513 Gressette Building
Columbia, S.C. 29201

The Honorable Jeff Johnson
228 Blatt Building
Columbia, S.C. 29201

The Honorable Greg Hembree
402 Gressette Building
Columbia, S.C. 29201

The Honorable Spencer Whetmore
422A Blatt Building
Columbia, S.C. 29201

The Honorable Brian Adams
613 Gressette Building
Columbia, S.C. 29201

The Honorable Robby Robbins
310 Blatt Building
Columbia, S.C. 29201

Dear President Alexander and Speaker Smith:

Chief Keel and I write to thank you and your members for your work on bond reform this session. As you know, the Attorney General's Office and SLED, along with other law enforcement agencies and solicitors' offices across the state, are on the front lines of the criminal justice system and see the danger posed by career criminals who are released on bond time after time. The current system's lack of standards for electronic monitoring poses a safety risk for victims and the community and prevents accountability for those who fail to report violations.

For instance, on May 24 in Dillon County, a defendant charged with a 2016 murder was out on bond and was arrested for two separate subsequent violent acts—another murder and attempted murder charge. The defendant was supposed to be GPS monitored, but his ankle monitor apparently had not been monitored since December 2022. The current system allows, and often enables, violent criminals to continue committing violent crimes instead of preventing them. Further, it jeopardizes current victims, future victims, and the community at large.

We strongly support H.3532, especially with language related to regulation and approval of companies that provide GPS monitoring. SLED has the knowledge and expertise best suited to perform those functions and has agreed to take on this responsibility. More specifically we support the following provisions:

- SLED would certify all entities that provide electronic monitoring, including electronic monitoring companies, law enforcement agencies, and bonding companies that provide electronic monitoring;
- Electronic monitoring agencies would be required to provide law enforcement and prosecuting agencies with real-time monitoring and notice of violations;
- An up-to-date list of certified monitoring companies would be kept publicly available and both bonding companies and courts would be required to use only these companies;
- The companies would be required to provide a report of who they are monitoring to clerks of court as bonding companies do;
- Courts would be allowed to order a specific monitoring company when it is deemed prudent or necessary; and
- If necessary, allow defendants to pay the monitoring company or clerk and provide proof of payment to the bondsman.

Finally, we have concerns with Section 14 as adopted by the Senate back in April. The language of this section is in direct conflict with Section 4, which gives SLED the authority to approve electronic monitoring companies and devices. We strongly recommend this section not be included in the final version of the bill.

Enacting the above requirements would play a large role in stopping preventable tragedies and make South Carolina safer and more just for everyone. We appreciate your consideration.



Alan Wilson
Attorney General



Mark Keel
State Law Enforcement Division, Chief