

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
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June 2, 2009

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my signature, H. 3087, R. 91.

This bill will immediately reduce the penalties for any sex offender who fails to register or moves within 1,000 feet of areas commonly occupied by children. We believe this legislation is flawed, and we would ask the General Assembly to sustain this veto and correct this flawed legislation.

This bill amends legislation, H. 3094 of 2008, that I signed last year with great reservation. The underlying law, Act 333 of 2008, imposed restrictions on where convicted sex offenders could live and at the same time, lessened penalties for failing to register. The legislation was to be enacted 90 days after SLED had certified a mapping system. To date, SLED has not been able to certify a mapping system – so the stronger penalties remain.

In last year's legislation, there was also a provision that *reduced* the penalties for sexual predators for failing to register. That amendment was added in the Senate, and the House concurred. In signing that legislation, we received assurances from this bill's sponsor and the Chairman of the House Judiciary Committee that the reduced penalty would be addressed in the 2009 legislative session. I have attached my message from 2008 on signing the legislation.

Unfortunately, no such correction has been sent to my desk. Instead, this legislation would accelerate the *weaker* penalty provisions, while continuing to delay the 1,000 feet provision until the database is certified. Not surprisingly, this provision was again added in the Senate. Even further, the bill restricts a municipality's right to impose stronger sanctions. In short, this bill is good for the sexual predators who fail to follow the law, while the added protections continue to wait until some point in the future.

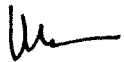
Let me explain the law change envisioned in this legislation. Under current law, a convicted sex offender who fails to register must serve 90 days in jail. This bill reduces the penalty to no more than 30 days or up to a \$500 fine. The most important tool that the public has to protect itself and its children from sexual predators is the sexual offender registry. This system allows all citizens to inform themselves if they are in contact with individuals who have demonstrated a propensity of engaging in predatory sexual behavior. When a predator does not register, a parent has no way of knowing whether a child is at risk of interacting with that individual.

Last year a few solicitors requested that this troubling amendment be attached to the legislation because they wanted magistrates to hear these cases due to dockets in circuit court backing up. We don't take issue if there is a need for such a move; we just believe there is another way to accomplish this without weakening the current penalties. We continue to believe that the better alternative would simply be for the General Assembly to grant magistrate courts jurisdiction to hear first offender failure to register cases and not change the penalty.

Now we are presented with a bill that would immediately allow failure to register first offenses to be heard by magistrates (not after SLED implements tracking technology as the legislation passed last year requires), yet the penalties have not been changed as was promised. Because these commitments have not been kept and we see no need to weaken the penalties for individuals failing to register as sex offenders, we are compelled to veto this legislation.

For the reasons discussed above, I am vetoing H. 3087, R. 96.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Sanford', written in a cursive style.

Mark Sanford

Attachment