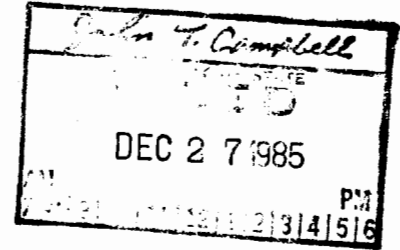


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Executive Department



State of South Carolina

EXECUTIVE ORDER NO. 85-37

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STATE DOCUMENTS

WHEREAS, by Act No. 123 of 1983, the General Assembly of the State of South Carolina amended Chapter 3 of Title 24 of the Code of Laws of South Carolina, 1976 by adding the article known as the Prison Overcrowding Powers Act; and

WHEREAS, the purpose of this Act is to provide a means, in extreme circumstances, to alleviate prisoner overcrowding in the prisons of the State of South Carolina, in order to insure humane conditions of confinement, and proper operation and security of the prisons as provided by law; and

WHEREAS, the South Carolina Board of Corrections has reported to me under the provisions of Section 24-3-1190, Code of Laws of South Carolina, (1976), that the state prison system population continues to exceed the presently established safe and reasonable operating capacity of Seven Thousand Nine Hundred and Seventy-six (7,976) inmates; and the Board, therefore, has requested that the release dates of all inmates be

Page two

conditionally advanced ninety (90) days, which shall be cumulative to the previous advancements resulting from Executive Order No. 83-44 issued September 2, 1983, Executive Order No. 84-14 issued March 26, 1984; and Executive Order No. 85-16 issued May 22, 1985; and

WHEREAS, the South Carolina Board of Corrections has reported that there has been full and appropriate utilization of powers by the Department of Corrections, the exercise of which tends to either reduce prison system population or expand the system's safe and reasonable prison operating capacity; and

WHEREAS, the South Carolina Board of Parole and Community Corrections has reported to me as required by Section 24-3-1190, Code of Laws of South Carolina, (1976), that there are sufficient supervising agents and resources to provide intensive supervision of prisoners released pursuant to the Prison Overcrowding Powers Act and Section 24-13-720, Code of Laws of South Carolina, (1976), regarding the Supervised Furlough Program; and

WHEREAS, the South Carolina Board of Parole and Community Corrections has reported that there has been full and appropriate utilization of powers by the Department of Parole and Community Corrections, the exercise of which tends to either reduce prison system population or expand the system's safe and reasonable prison operating capacity; and

Page three


WHEREAS, since the prison system population continues to exceed the established safe and reasonable operating capacity, it becomes necessary to invoke extraordinary measures due to the extreme overcrowding in prisons in order to insure humane conditions of confinement, and proper operation and security of the prisons as provided by law.

NOW, THEREFORE, pursuant to the powers conferred upon me as Governor by Section 24-3-2000, Code of Laws of South Carolina, (1976), I hereby determine that the reports of the South Carolina Board of Corrections and the South Carolina Board of Parole and Community Corrections establish the continuing existence of a prison system overcrowding State of Emergency, and I hereby declare that the prison system overcrowding State of Emergency declared by Executive Order 83-44 on September 2, 1983, continues to exist. I, therefore, direct that the release dates of inmates be advanced ninety (90) days, effective December 27, 1985, and that this advancement be cumulative with the advancements of release dates ordered by Executive Orders 83-44, 84-14 and 85-16; and I further declare and direct that the South Carolina Department of Corrections and the South Carolina Department of Parole and Community Corrections shall begin releasing qualified inmates pursuant to this Executive Order as expeditiously as possible.


Page four

I declare that the prison overcrowding State of Emergency declared on September 2, 1983, and the advancement of release dates ordered by Executive Order 83-44, Executive Order 84-14, Executive Order 85-16 and this Order shall be terminated when the Commissioner of the South Carolina Department of Corrections certifies to me that the prisons have not exceeded the presently established safe and reasonable operating capacity of Seven Thousand Nine Hundred and Seventy-six (7,976) inmates for a period of seven consecutive days, or as otherwise provided in the Prison Overcrowding Powers Act.

GIVEN UNDER MY HAND THE THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA AT COLUMBIA,
SOUTH CAROLINA, THIS 27th DAY
OF DECEMBER, 1985.


RICHARD W. RILEY
Governor

ATTEST:



JOHN T. CAMPBELL
Secretary of State