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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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CONTENTS

LEGISLATIVE UPDATE

- Proposed Changes in Parole Laws in South Carolina
and Other States (reference to S.756).....1-2
- The Size of State Legislatures:
A Comparative Review.....1-3
- Barring members of the Bar?
Move to Oust Lawyers from
the Arizona Legislature Fails.....1-5

AROUND THE HOUSE

- Rep. Pat Harris in Anderson Hospital for Tests.....2-1

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JUN 7 1984

STATE DOCUMENTS

Legislative Review

Proposed Changes in Parole Laws In South Carolina and Other States

A Senate bill currently before the House Judiciary Committee (S.756) would change parole procedures in South Carolina by removing certain classes of inmates from early parole consideration. The bill would amend the 1981 law which restructured the state's parole system.

S.756 would remove from early parole consideration inmates convicted of the following crimes: voluntary manslaughter, burglary and drunken driving that cause death or serious injury. The law already restricts the following crimes from early parole consideration: murder, criminal sexual assault, kidnapping, armed robbery and assault and battery with intent to kill.

Measures introduced in legislatures around the country seems to indicate a growing "hard line" on granting parole.

In New Jersey, two bills would tighten up parole procedures. One measure would make inmates convicted of serious crimes prove they should be given parole. At present, parole is granted automatically by a certain date unless the state can show the inmate is likely to commit another crime. First-degree and second-degree crimes would be covered under the bill. First-degree crimes would be: murder, armed robbery, and aggravated sexual assault; second-degree crimes would be robbery, aggravated arson, aggravated assault, extortion, bribery and armed burglary.

A companion bill would give prosecutors easier access to information about prisoners being considered for parole. The purpose is to make it easier to block parole for dangerous inmates.

Getting parole is going to be more difficult in Nevada because of a state supreme court ruling. The court recently held that the Parole Board is not required to give inmates the reasons their parole has been denied. The court said the Board's actions are not covered by the due process clause of the U.S. Constitution, therefore no explanation is required. The case was that of Gerald Weakland, serving a five-year to life term for the contract killing of a Las Vegas casino executive's wife.

Legislative Update, May 22, 1984

In Rhode Island the legislature has passed a bill which would give judge's the option of giving the sentence life in prison without parole. Current law allows parole after serving 15 years of a life sentence.

The sentencing process would be in three parts: the jury would first have to vote for a conviction, and then would have to decide whether circumstances warrant no parole. The possible circumstances are: murder while committing another capital offense; endangering the lives of more than one person; murder for hire; murder involving torture or aggravated battery; murder of judges, police officers, firefighters or prison guards; murder by an inmate. If the jury found one or more of these circumstances the judge would hold a hearing on the matter and then render his sentence. The process is similar to the one used in South Carolina in handing down the death sentence.

Rhode Island Governor Garrahy vetoed an identical measure last session, saying parole encourages good prison behavior. Correctional Officials in several states have expressed concern that stricter parole requirements and procedures will exacerbate prison over-crowding and discipline problems.

Sources: From the State Capitals, and S.756

The Size of State Legislatures:
A Comparative Review

What state has the largest legislature? Which has the smallest? New Hampshire claims the first title with 424 members serving; Nebraska, which has a unicameral (single house) legislature, has the fewest members with 49 serving.

The New Hampshire House of Representatives has 400 members. The annual salary, according to the latest issue of The Book of the States, is one hundred dollars. The Speaker of the House receives a whopping additional \$50.00 for every two year session. Such yankee frugality gives new meaning to the New Hampshire state motto: "Live free or die."

The smallest Houses are those of Alaska and Nevada, with 40 members each. Minnesota has the largest Senate with 67 members; once again Alaska and Nevada have the smallest, with 20 members each.

The proportion of legislators to the population should also be considered. States with larger populations naturally have a lower ratio of legislators/total population. New Hampshire, 42nd in population nationally, is 1st in size and proportion for its legislature. The tables on page 1-4 give the figures.

NUMBER OF MEMBERS IN THE 50 STATE LEGISLATURES

Rank	State	Number	Rank	State	Number
1	New Hampshire	424	26	Washington	147
2	Pennsylvania	253	27	Louisiana	144
3	Georgia	236	28	Alabama	140
4	New York	211	29	Virginia	140
5	Minnesota	201	30	Kentucky	138
6	Massachusetts	200	31	Arkansas	135
7	Missouri	197	32	West Virginia	134
8	Maryland	188	33	Tennessee	132
9	Connecticut	187	34	Ohio	132
10	Maine	184	35	Wisconsin	132
11	Texas	181	36	New Jersey	120
12	Vermont	180	37	California	120
13	Illinois	177	38	New Mexico	112
14	Mississippi	174	39	Idaho	105
15	North Carolina	170	40	South Dakota	105
16	SOUTH CAROLINA	170	41	Utah	104
17	Kansas	165	42	Colorado	100
18	Florida	160	43	Wyoming	94
19	North Dakota	159	44	Arizona	90
20	Indiana	150	45	Oregon	90
21	Rhode Island	150	46	Hawaii	76
22	Montana	150	47	Nevada	63
23	Iowa	150	48	Delaware	62
24	Oklahoma	149	49	Alaska	60
25	Michigan	148	50	Nebraska	49

LEGISLATORS PER 100,000 STATE POPULATION

Rank	State	Number	Rank	State	Number
1	New Hampshire	44.2	26	Georgia	4.1
2	Vermont	34.3	27	Missouri	4.0
3	North Dakota	23.4	28	Kentucky	3.7
4	Montana	18.4	29	Alabama	3.5
5	Wyoming	18.3	30	Massachusetts	3.5
6	Maine	16.1	31	Washington	3.4
7	Rhode Island	15.7	32	Oregon	3.4
8	South Dakota	15.0	33	Louisiana	3.2
9	Alaska	12.5	34	Colorado	3.2
10	Idaho	10.6	35	Nebraska	3.1
11	Delaware	10.2	36	Arizona	3.0
12	New Mexico	8.0	37	Tennessee	2.8
13	Hawaii	7.4	38	North Carolina	2.8
14	Nevada	7.1	39	Wisconsin	2.8
15	West Virginia	6.8	40	Indiana	2.7
16	Kansas	6.8	41	Virginia	2.5
17	Mississippi	6.7	42	Pennsylvania	2.1
18	Utah	6.4	43	Michigan	1.6
19	Connecticut	6.0	44	New Jersey	1.6
20	Arkansas	5.8	45	Illinois	1.5
21	SOUTH CAROLINA	5.2	46	Florida	1.5
22	Iowa	5.2	47	Ohio	1.2
23	Minnesota	4.9	48	New York	1.2
24	Oklahoma	4.5	49	Texas	1.2
25	Maryland	4.4	50	California	0.5

INFORMATION FROM STATE POLICY REPORTS.
 VOLUME 2, ISSUE 9, MAY 10, 1984;
 AND BOOK OF THE STATES, 1982-83

Barring Members of the Bar?
Move to Oust Lawyers From Arizona Legislature Fails--This Time

Arizona lawmakers have turned down a bill that would prohibit members of the Arizona state bar from serving in the state legislature.

The bill would have given voters the chance to pass judgment on a constitutional amendment "to bar lawyers from being lawmakers," according to the May, 1984, issue of the American Bar Association Journal.

Jim Green, a freshman in the Arizona House, sponsored the bill, and says he will reintroduce the measure. Green's argument for the bill is the separation of powers doctrine. If the state bar is part of the judicial branch, then members of the bar who are also lawmakers cannot vote on certain state appropriations nor sit as members of the legislature.

On the other hand, if the bar association is a legislative creation then it must open up attorney discipline case records to the state auditor general--a move the association has refused to take.

Opponents of the measure disagree with Green's points, noting that joining the bar association is not the same as becoming a public employee, and only public employees have to resign or go on leave to hold public office.

There are three lawyers in the 60-member Arizona House, and no lawyers in the 30-member Senate. According to the latest Legislative Manual, there are 32 lawyers in the S.C. House, and 22 in the Senate.

Around the House

Rep. Pat Harris in Anderson Hospital For Tests

Representative Pat Harris, of Anderson, has checked into the Anderson Memorial Hospital for a series of tests. According to reports, Rep. Harris has been suffering from discomfort in his lower abdomen. The condition is apparently not related to Rep. Harris' recent surgery in Houston, Texas, to improve his circulation. Cards can be mailed to:

Anderson Memorial Hospital
c/o The Honorable Patrick Harris
Room 533
800 North Fant Street
Anderson, South Carolina 29621