

# State of South Carolina

## Office of the Governor

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June 16, 2008

The Honorable André Bauer  
President of the Senate  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

This letter is to inform you that I am vetoing and returning without my approval S. 181, R-401. This bill, for the most part, updates and codifies existing laws and practices.

We would like to point out our concern with one well-intentioned provision that was inserted at the request of a single senator. Section 24-3-30(B) was amended to state "To the greatest extent possible when making a determination of institutional assignment, the department must place a person convicted of an offense against the State in a place of confinement in close proximity to his home unless this placement jeopardizes security." We, unfortunately, believe this provision opens the door to many lawsuits and was put in place in a way that defies the perspective of the majority in the General Assembly.

Before I elaborate on these concerns, let me say again how I believe that the provision in question is well-intentioned. Part of unconditional love is being able to show it, and to the maximum extent possible, the state ought to be about the business of encouraging and facilitating a loved one being able to, in fact, show love and concern toward a son, daughter, cousin or nephew who is incarcerated. This is much easier to do if your loved one is housed closer to you. We empathize with families – that did not commit a crime – that are forced to travel longer distances to see their loved ones in prison. With gas prices continuing to rise, the burden on families is perhaps felt more now than in any other recent time. We believe that it is better to have inmates placed in closer proximity to their churches and loved ones, and, for this reason, it has been the position of the administration to bring families and inmates closer together whenever requested to do so. Sometimes this is possible and other times it is not, based on capacity requirements within Corrections.

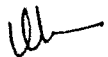
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Codifying what we already try to do within Corrections will have the unintended consequence of inviting lawsuits. This would take more money from a Corrections department and the inmates housed there that are already in need of more financial resources. In fact, I find it somewhat unbelievable that the General Assembly would pass yet another mandate on the Department of Corrections at the same time that the budget that they passed this year forces the Department of Corrections to run an \$8 million dollar deficit. It is well known that our prisons are at capacity – and this makes it impossible to house all inmates in the prison closest to their home. If the General Assembly will pass a budget without deficits incorporated into it for Corrections, it will, in fact, be much easier to do that which this proposed provision is suggesting.

We also believe the manner in which this amendment was included in this legislation highlights a procedural problem that exists in the Senate. It is our understanding that a single senator “placed his name on the bill” – even though no other senator had objections to the legislation. To get this senator to remove his objection, this amendment was included. We believe that adding this amendment to an otherwise routine bill to placate a lone senator is a poor way to make public policy – and one that, in this case, supplants the will of the body at large.

While we approve of the majority of this bill, we believe that the provision outlined above will lead to an increase in the number of lawsuits that the already underfunded Department of Corrections will be forced to defend. Without this troubling provision, we would sign this bill.

Sincerely,



Mark Sanford