South Carolina state law provides compassionate release to eligible incarcerated individuals through **Medical Parole** for individuals who are terminally ill, geriatric, or permanently disabled.[1]

South Carolina's Board of Paroles and Pardons (Board) policy references two additional forms of compassionate release but provides little information on them: **Parole or Pardon for Terminal Illness**[2] and **Parole of Veterans for Psychiatric Treatment.**[3]

In limited circumstances, the Director of the Department of Corrections (Department) may also grant a **Medical Furlough** to incarcerated individuals who are terminally ill or who need medical treatment not provided in prison.[4]

MEDICAL PAROLE

I. ELIGIBILITY

Medical Condition or Age – To be eligible for Medical Parole, an incarcerated individual must be either permanently incapacitated, terminally ill, or geriatric.

- "Permanently incapacitated" means an individual has a non-terminal medical condition that renders them permanently and irreversibly incapacitated, requiring immediate and long-term residential care and the individual no longer poses a public safety risk because of the medical condition.[5]

- "Terminally ill" means the individual has, as determined by a licensed physician, an incurable condition caused by illness or disease likely to produce death within two years and the condition is so debilitating the individual is not a public safety risk.[6] Note the condition must have been unknown at the time of sentencing or, since the time of sentencing, has progressed to render the individual terminally ill.[7]

- "Geriatric" means an individual age 70 or older who has a chronic infirmity, illness, or disease related to aging, which has progressed so that they are incapacitated, as determined by a licensed physician, to the extent the individual is not a public safety risk.[8]

Exclusions – A legal memo from the South Carolina Attorney General's office indicates the state's interpretation of the statute excludes individuals sentenced to death or to life without the possibility of parole for consideration for Medical Parole.[9]

II. APPLICATION OR REFERRAL

Department Health Services staff initiate the application process to refer individuals who meet any of the three categories of eligibility (permanently incapacitated,

terminally ill, or geriatric) for Medical Parole.[10] The incarcerated individual must have established outside medical care and treatment to be initially considered.[11]

III. DOCUMENTATION AND ASSESSMENT

Initial Documentation – Health Services staff complete the application and include with it the following information.

- A statement from a licensed Department physician that the incarcerated individual meets the Medical Parole criteria.[12]
- A notarized letter from the individual's sponsor agreeing to assume all financial responsibility and care.[13]
- A statement from the Medical Services Deputy Director concurring with the physician's opinion and recommending Medical Parole.[14]

The application packet is then submitted to Central Classification through the Office of the Deputy Director of Medical Services.[15]

Criminal History Review – The Central Classification office conducts a review of the individual's criminal history and institutional record and submits it through the Division Director of Classification and Inmate Records to the General Counsel's Office and the Deputy Director of Operations.[16]

Review and Recommendation – The Deputy Director of Operations reviews the application packet, criminal history, and institutional record, and forwards a recommendation to the Department's Director.[17]

Approval and Petition – The Director reviews the application packet and, if in agreement that the individual is eligible for Medical Parole, endorses the application and forwards everything with a Petition for Medical Parole to the Director of the Department of Probation, Parole, and Pardon Services (DPPPS).[18]

IV. DECISION-MAKING PROCESS

Decision-Maker – The South Carolina Board of Paroles and Pardons is responsible for ordering the release of individuals who meet the eligibility guidelines.[19]

Decision Process – DPPPS processes an application for Medical Parole the same way parole is processed generally, including making required notifications and setting hearings.[20] The Board's parole orders must include "findings of fact" that support a legal and medical conclusion that an individual is permanently incapacitated, terminally ill, geriatric, or a combination of those conditions, and does not pose a threat to self or society.[21]

Notice – Individuals must be given notice of a parole hearing at least 30 days before the scheduled date.[22] The Director of Victim Services for DPPPS is required to give notice to the victim or family of the victim, the solicitor from the prosecuting jurisdiction, the arresting law enforcement agency, and the judge of the convicting and sentencing court at least 30 days before the hearing.[23] The Director of Victim Services also provides notice of release to the victim and witnesses where applicable.[24]

Hearing – There is no specific guidance regarding the process for hearings for Medical Parole. For parole generally, parole examiners interview the individual, investigate the individual's case, and make a recommendation in favor of or opposed to parole prior to the hearing.[25] The Board receives a parole file, which includes a parole case summary report, at least two weeks before the hearing for each individual it considers.[26]

Individuals must be allowed to appear via videoconferencing and, if represented, their counsel must attend the hearing at the individual's location.[27] An individual may be exempted from appearing by the Board Chair if illness or hospitalization prevents the individual from attending.[28] However, if the individual is unable to be present because of illness, the hearing may be postponed until they are able to attend.[29] Parole hearings are public and may be attended by the general public, including victims and witnesses.[30]

Conditions – The Board's parole order must include findings of fact that support a legal and medical conclusion that the individual meets eligibility criteria and does not pose a threat to self or society.[31] The order must also set out requirements for the individual's supervision and conditions for participation in, and removal from, Medical Parole.[32] An individual released on Medical Parole must reside in an "approved residence."[33] However, state law and Board policy do not provide examples of approved residences or living environments.

V. POST-DECISION

Denials and Appeal Rights – Neither the law nor Board rules reference anything specific about denials or appeal rights of individuals requesting Medical Parole. For parole generally, an individual has a right to written notice from the Board with the reasons for denial.[34] The individual or their attorney may send a letter to the Director of Board Support Services requesting a reconsideration hearing within 15 days of notice of the rejection letter.[35] The letter should include information showing the Board's decision was based on erroneous information or information that was not available during the hearing.[36] The Director of Board Support Services determines if the information supports a rehearing and, if in agreement, forwards the letter to the Board Chair for a final determination.[37] The individual and their attorney receive a letter with notice of the decision and no appeal is available for this decision.[38]

Supervision – Individuals on Medical Parole are under the supervision of DPPPS and the Board's parole order includes any supervision requirements.[39] There are annual reviews of the individual's status to ensure that they remain eligible for parole.[40]

Revocation – If an individual becomes no longer eligible to participate in parole under these rules, a probation agent will issue a warrant or citation charging a violation of parole, and the Board will decide whether it must revoke Medical Parole following the process for parole violations generally.[41] Other violations of parole may also lead to revocation.

Once a violation has occurred, a warrant is issued by the parole agent and the individual is taken into custody.[42] A preliminary hearing is held by a hearing officer to determine if there is "reasonable ground" to continue with the revocation process.[43] Following an unfavorable preliminary hearing, an individual can request a final hearing which must be granted "within a reasonable time after being taken into custody."[44]

If parole is revoked, the individual is returned to custody and serves their remaining sentence with time credited for the time on parole before revocation.[45]

VI. REPORTING AND STATISTICS

DPPPS must submit annual reports to the South Carolina Legislature's Sentencing Reform Oversight Committee.[46] The reports provide the number of referrals each year and cumulative information on the Board's decisions, reflecting the number of individuals granted Medical Parole since 2011.[47]

- In fiscal year 2024, four referrals were received by DPPPS.[48]
- In fiscal year 2023, three referrals were received by DPPPS.[49]

Since 2011, 37 referrals have been received by DPPPS. Of those, seven individuals' cases were never heard: five were ineligible because they were sentenced without parole, one individual died before the hearing, and one no longer met the criteria by the time of the hearing. Thirteen referrals were heard and rejected, of which two were denied because the individual died before their hearing. Seventeen individuals were granted Medical Parole. Two of these individuals died before they were released and three had parole rescinded.[50]

PAROLE OR PARDON FOR TERMINAL ILLNESS

South Carolina law provides additional options for incarcerated individuals who are terminally ill, in the form of parole and pardon.

Parole for Terminal Illness – Parole for Terminal Illness requires an individual who is

within one year of parole eligibility to have an illness or physical condition with death expected within a year.[51] This is in addition to the policies categorized under Medical Parole, which defines terminally ill as expecting death within two years.[52] It is not clear why there are two parole avenues for incarcerated individuals who are terminally ill.

The Board requires that two licensed physicians provide a prognosis that the incarcerated individual is terminally ill and, "to a reasonable degree of medical certainty," is not expected to live for more than one year.[53] The Board does not provide any additional information on Parole for Terminal Illness and does not publish statistics on how many individuals have been granted parole under this law.

Pardon for Terminal Illness – The Board may also consider a pardon for terminally ill incarcerated individuals whose life expectancy is less than one year.[54] The individual must complete and submit a notarized Pardon Application (Application) with three written letters of support from people who are not relatives.[55] The submission must also include statements from two physicians verifying life expectancy is less than one year.[56] A $100 dollar application fee must be included with the Application[57] and pardons cannot be granted until restitution is paid in full.[58]

DPPPS conducts an investigation prior to the pardon hearing and the Board reviews applications and investigation reports in its decision-making.[59] Individuals are not required to attend the hearing and the Board may make its decision without the individual in attendance.[60] A grant of pardon requires a vote of two-thirds of the Board and once granted, an order of pardon is issued.[61] If a pardon is denied, there is no appeal process and the individual may reapply after one year by completing a new application and paying a new fee.[62] The Application states it takes about seven to nine months to receive a decision after the application is received.[63] There are no available statistics on how many individuals, if any, have received a pardon based on a terminal illness.

PAROLE OF VETERANS FOR PSYCHIATRIC TREATMENT

South Carolina law provides for special parole for certain veterans.[64] Under this policy, the Board may parole an incarcerated individual who is a parole eligible veteran with a "mental condition" that the Board determines makes them unsuitable for release from confinement.[65] The individual is instead released to the custody of the Department of Veterans Affairs, if approved by that department, for psychiatric treatment at a Department of Veterans Affairs medical facility.[66] The individual is transferred directly to the Veterans Affairs hospital and when deemed suitable for release is not returned to custody except for parole violations.[67] There is no other information on the Board's administration of this program or its decision-making process, and there are no publicly available statistics on how many individuals, if any, have been released under this policy.

MEDICAL FURLOUGH

Where there is "reasonable cause" to believe that an incarcerated individual who is terminally ill will "honor [the Director's] trust," the Director of the Department of Corrections (Department) may grant the individual a Medical Furlough, also referred to as "extending the limits of confinement," for an indefinite length of time.[68]

I. ELIGIBILITY

Medical Condition – An incarcerated individual may be eligible for Medical Furlough if their life expectancy is less than one year.[69]

Exclusions – An individual convicted of a violent crime is not allowed to participate in the Medical Furlough program "in the community where the offense was committed" unless all of the following people and entities recommend, in writing, to the Department of Corrections Director (Director) that the incarcerated individual be allowed to participate: the victim or victim's relatives, the law enforcement agency that employed the arresting officer, and the solicitor in whose circuit the individual was convicted.[70]

II. APPLICATION OR REFERRAL

To begin the Medical Furlough process, the physician who determines that the incarcerated individual's condition is terminal must write a statement indicating the illness and life expectancy.[71] The statement, including any supporting diagnostic and treatment information, is submitted to the Medical Furlough Coordinator (Coordinator).[72]

III. DOCUMENTATION AND ASSESSMENT

Initial Discussions – The Coordinator first discusses the case with the Medical Director and then meets with the individual to confirm the desire to pursue a Medical Furlough.[73] If so, the Coordinator will notify a designated family member and explain eligibility.[74]

Sponsorship – For an individual to be considered for a Medical Furlough, a family member who lives in South Carolina must agree to be a sponsor and the individual must have established outside medical care.[75] Upon agreeing to sponsor the incarcerated individual, a family member must provide the following two documents.

- A notarized statement confirming provision of a place for the individual to live and an assumption of complete financial responsibility for all living and medical expenses.[76]

- A signed statement from a physician in the community agreeing to provide

medical care and stating that the Department will not be held liable for any medical treatment costs.[77]

Medical Services and the relevant Warden will conduct a home study as part of obtaining an approved residence plan.[78]

Application Form – After receiving the required documentation from the family sponsor, the Coordinator completes the *Medical Furlough Application*, obtains the incarcerated individual's signature, and forwards it to the appropriate Warden.[79]

Warden Recommendation – The Warden makes a recommendation and returns the completed application to the Coordinator.[80]

Letter of Disposition – The Coordinator sends the completed application form, the physician's statement, approved residence plan, and sponsor documents to the Medical Director who prepares a "letter of disposition."[81] The Medical Director sends the letter and the complete packet of information to the Department's State Classification staff.[82]

Investigation – The State Classification[83] office conducts a review looking at the individual's criminal history and institutional record[84] and initiates an investigation to determine community reaction to the proposed Medical Furlough, which includes contacting appropriate law enforcement entities, victims, and witnesses.[85] Based on that information, the State Classification office makes a recommendation and sends it, with all relevant documentation, "through" the Division Director of Classification and Inmate Records and the Director of Program Services to the Department Director for approval or disapproval.[86]

IV. DECISION-MAKING PROCESS

The Director makes all final decisions regarding Medical Furlough requests.[87] After deciding to approve or disapprove an application, the decision and all the materials are sent back to the State Classification office and then to the Medical Furlough Coordinator.[88]

V. POST-DECISION

Release – When an individual is approved for Medical Furlough, the State Classification office contacts the Pre-Release Center closest to where the individual will live.[89] The Medical Furlough Coordinator facilitates the individual's departure from prison and coordinates with the family sponsor regarding any care, treatment, and medication instructions from the facility's medical staff.[90]

Conditions – The following conditions are required for Medical Furlough.[91]

- A change of residence is not permitted.[92]
- Individuals must notify the Department regarding any hospital admissions and discharges.[93]
- A caseworker and security staff member will make monthly home or hospital visits and complete a monthly status report on the individual.[94]

A failure of the individual to remain within the geographical limit provided is considered an escape from custody.[95]

VI. REPORTING AND STATISTICS

The Department is not required to report on how many individuals have been released on Medical Furlough due to a terminal illness and there are no publicly available statistics on how many individuals are released on Medical Furlough each year.

SOUTH CAROLINA COMPASSIONATE RELEASE
PRIMARY LEGAL SOURCES

MEDICAL PAROLE

Statute

South Carolina Code of Laws, § 24-21-715 (2025), available through the South Carolina Legislature, https://www.scstatehouse.gov/code/t24c021.php (scroll to section 715).

Agency Policies

South Carolina Board of Paroles and Pardons, Part II § (D)(4), *Policy and Procedure Manual* (Nov. 2019), https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/Board_of_Paroles_and_Pardons_11062019.pdf (start with source page https://ppp.sc.gov/board-paroles-and-pardons and scroll down to "Parole Board Manual" link).

Note that this section of the manual is a verbatim copy of the Medical Parole statute and does not provide any additional information.

South Carolina Department of Corrections, OP-21.04 § 30.2, *Operations Policy Manual: Inmate Classification Plan* (Feb. 11, 2025), https://www.doc.sc.gov/sites/doc/files/Documents/policy/OP-21-04.pdf (start with source page https://www.doc.sc.gov/policy/policy-listing and click menu section "Operations" and then link "OP-21.04").

PAROLE OR PARDON FOR TERMINAL ILLNESS

Statutes

South Carolina Code of Laws, § 24-21-610 (2025) [Parole], available through the South Carolina Legislature, https://www.scstatehouse.gov/code/t24c021.php (scroll to section 610).

South Carolina Code of Laws, § 24-21-970 (2025) [Pardon], available through the South Carolina Legislature, https://www.scstatehouse.gov/code/t24c021.php (scroll to section 970).

Agency Policies and Publications

South Carolina Board of Paroles and Pardons, Part II § (D)(3) [Parole] and Part IV § (A)(1)(e) [Pardon], *Policy and Procedure Manual* (Nov. 2019), https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/Board_of_Paroles_and_Pardons_11062019.pdf (start with source page https://ppp.sc.gov/board-paroles-and-pardons and scroll down to "Parole Board Manual" link).

South Carolina Department of Probation, Parole and Pardon Services, *Pardon Application* (May 22, 2025), https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/1118%20Pardon%20Application_rvsd%2005222025.pdf (start at source page https://ppp.sc.gov/parole-pardon-release-services/pardon-application and click link for "Pardon Application form").

SOUTH CAROLINA COMPASSIONATE RELEASE
PRIMARY LEGAL SOURCES

(continued from previous page)

PAROLE OF VETERANS FOR PSYCHIATRIC TREATMENT

Statute

South Carolina Code of Laws, § 24-21-700 (2025), available through the South Carolina Legislature, https://www.scstatehouse.gov/code/t24c021.php (scroll to section 700).

Agency Policy

South Carolina Board of Paroles and Pardons, Part II § (D)(5), *Policy and Procedure Manual* (Nov. 2019), https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/Board_of_Paroles_and_Pardons_11062019.pdf (start with source page https://ppp.sc.gov/board-paroles-and-pardons and scroll down to "Parole Board Manual" link).

MEDICAL FURLOUGH

Statute

South Carolina Code of Laws, § 24-3-210(B) (2025), available through the South Carolina Legislature, https://www.scstatehouse.gov/code/t24c021.php (scroll to section 210).

Agency Policies

South Carolina Department of Corrections, HS-18.01 § 4, *Health Services Operations Manual: Specialized Health Services Programs* (Sept. 1, 2008), https://www.doc.sc.gov/sites/doc/files/Documents/policy/HS-18-01.pdf (start with source page https://www.doc.sc.gov/policy/policy-listing and click menu section "Medical Services" and then link "HS-18.01").

South Carolina Department of Corrections, OP-21.04 § 30.1, *Operations Policy Manual: Inmate Classification Plan* (Feb. 11, 2025), https://www.doc.sc.gov/sites/doc/files/Documents/policy/OP-21-04.pdf (start with source page https://www.doc.sc.gov/policy/policy-listing and click menu section "Operations" and then link "OP-21.04").

NOTES

* *Id. means to see prior note. Supra means refer to specified note for full citation.*

[1] S.C. Code Ann. § 24-21-715 (2025); South Carolina Board of Paroles and Pardons, Part II § (D)(4), *Policy and Procedure Manual* (Nov. 2019) [hereinafter *Policy Manual*], https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/Board_of_Paroles_and_Pardons_11062019.pdf (start with source page https://ppp.sc.gov/board-paroles-and-pardons and scroll down to "Parole Board Manual" link); South Carolina Department of Corrections, OP-21.04 § 30.2, *Operations Policy Manual: Inmate Classification Plan* (Feb. 11, 2025) [hereinafter *Operations Manual*], https://www.doc.sc.gov/sites/doc/files/Documents/policy/OP-21-04.pdf (start with source page https://www.doc.sc.gov/policy/policy-listing and click menu section "Operations" and then link "OP-21.04").

[2] S.C. Code Ann. §§ 24-21-610, 24-21-970 (2025); *Policy Manual, supra* note 1, pt. II § (D)(3) and pt. IV § (A)(1)(e).

[3] S.C. Code Ann. § 24-21-700 (2025); *Policy Manual, supra* note 1, pt. II § (D)(5).

[4] S.C. Code Ann. § 24-3-210(B) (2025); South Carolina Department of Corrections, HS-18.01 § 4, *Health Services Operations Manual: Specialized Health Services Programs* (Sept. 1, 2008) [hereinafter *Health Services Manual*], https://www.doc.sc.gov/sites/doc/files/Documents/policy/HS-18-01.pdf (start with source page https://www.doc.sc.gov/policy/policy-listing and click menu section "Medical Services" and then link "HS-18.01"); *Operations Manual, supra* note 1, § 30.1.

Note "Department" is used in this memo when discussing the Department of Corrections. The Department of Probation, Parole and Pardon Services is either referred to in full or as "DPPPS."

[5] S.C. Code Ann. § 24-21-715(A)(3).

Note that although the word "disabled" is in the title of the law, the text of the statute uses the word "incapacitated." *See also Operations Manual, supra* note 1, § 30.2.

[6] S.C. Code Ann. § 24-21-715(A)(1); *Operations Manual, supra* note 1, § 30.2.

[7] S.C. Code Ann. § 24-21-715(A)(1); *Operations Manual, supra* note 1, § 30.2.

[8] S.C. Code Ann. § 24-21-715(A)(2); *Operations Manual, supra* note 1, § 30.2.

[9] Letter from Brendan McDonald, South Carolina Assistant Attorney General, to Kela E. Thomas, Director, South Carolina Department of Probation, Parole and Pardon Services (Aug. 24, 2025) (on file with FAMM, Office of the General Counsel).

[10] *Operations Manual, supra* note 1, § 30.2.1.

The application is SCDC Form 27-17, *Application for Medical Furlough/Medical Parole*. The Department does not make the form available to the public on its website (*Id.* § 30.2.2).

[11] *Id.* § 30.2.1.

[12] *Id.* § 30.2.2.

[13] *Id.*

Note there is no additional information in this policy on sponsor requirements.

[14] *Id.*

[15] *Id.*

[16] *Id.* § 30.2.3.

[17] *Id.*

[18] *Id.*

Note that the Director forwards the Petition with a cover letter from the Department's General Counsel.

[19] S.C. Code Ann. § 24-21-715(B).

[20] *Operations Manual, supra* note 1, § 30.2.4.

[21] S.C. Code Ann. § 24-21-715(C).

Factors considered for parole generally, include the individual's risk to the community; the nature and seriousness of the offense and the individual's attitude toward it; prior criminal record and adjustment under programs of supervision; individual's attitude towards family members, victims, and authority; adjustment while in confinement; employment history; physical, mental, and emotional health; an understanding of causes of past criminal conduct; willingness of community and family to receive the individual; opinions of the sentencing judge, solicitor, and law enforcement; feelings of the victim or victim's family; and any other relevant factors including the parole examiner recommendation (*Policy Manual*, *supra* note 1, pt. II § (C)(2)).

Note the "solicitor" is the equivalent of a district or state's attorney in other jurisdictions.

[22] *Policy Manual*, *supra* note 1, pt. II § (A)(2)(a).

[23] *Id.* § (A)(2)(b). *See* S.C. Const. art. I, § 24 (2025) for the state's Victims' Bill of Rights.

[24] *Policy Manual*, *supra* note 1, pt. II § (A)(2)(d).

[25] *Id.* § (A)(5).

[26] *Id.* § (A)(3)-(4).

A parole case summary report includes a description of the individual's offense; sentencing, max-out, and parole eligibility dates; dates of previous hearings; names of co-defendants; criminal record; prison and disciplinary records; risk classification reports; medical and psychological reports; history of supervision on prior probation and parole; proposed place of residence and employment; parole examiner recommendation; statements from law enforcement, witnesses, solicitor, and sentencing judge; social history; and employment history. It is unclear which factors, if any, are waived for Medical Parole cases.

At parole hearings generally, individuals have the right to be heard for parole; receive written notice of parole criteria and the date, time, and location of the parole hearing; be heard by a fair and impartial Board; present evidence; have up to three witnesses speak on their behalf; have the Board carefully consider the individual's full record; and have an attorney present at the individual's cost (*Id.* § (A)(1)).

See id. § (A)(5) for specific information on how hearings are held. *See also* S.C. Code Ann. § 24-21-50 for the statutory provisions for hearings.

[27] *Id.* § (A)(6).

[28] *Id.* § (A)(6)(a).

[29] *Id.* § (A)(6)(b).

[30] *Id.* § (A)(7)(a).

Victims have a right to attend any hearings involving a post-conviction release decision (S.C. Const. art. I, § 24).

[31] S.C. Code Ann. § 24-21-715(C).

[32] *Id.*

See id. §§ 24-21-645, 24-21-650 (2025) for information on parole orders generally.

Note conditions for parole generally may apply, including agreeing not to use controlled substances; consume alcohol in excess; own firearms, knives, or other weapons; associate with anyone with a criminal record; violate laws; or leave the state and agreeing to blood and alcohol testing as required; paying all required fees; following all conditions; allowing for warrantless search and seizure of person, vehicle, and possession by probation agent or law enforcement officer (*Policy Manual*, *supra* note 1, pt. II § (F)(1)).

Individuals may be required to pay a supervision fee, based on their ability to pay, and electronic monitoring fees; nonpayment of these fees for two months or more may be the basis for revocation of parole (S.C. Code Ann. §§ 24-21-80, 24-21-85 (2025)). Individuals may also have to pay restitution. *See id.* § 17-25-322 (2025) for specific information on restitution.

[33] S.C. Code Ann. § 24-21-715(D).

[34] *Policy Manual*, *supra* note 1, pt. II § (A)(1).

[35] *Policy Manual, supra* note 1, pt. III § (C). Note that the Board does not reconsider "routine denials."

[36] *Id.*
[37] *Id.*

[38] *Id.*

[39] S.C. Code Ann. § 24-21-715(C)-(D).

[40] *Id.* § 24-21-715(E).

[41] *Id.*, referencing S.C. Code Ann. § 24-21-680 (2025).

[42] *Id.* § 24-21-680.

[43] *Policy Manual, supra* note 1, pt. III § (A)(1)(a).

An individual may be detained after the preliminary hearing if there is probable cause the individual willfully violated parole, unless given bond pending a final hearing. This does not apply to parole violations based on a criminal conviction with a sentence of at least six months.

[44] *Id.* § (A)(1)(b).

Individuals have a right to be present at the hearing, offer evidence they did not violate parole or did not do so willfully, have an attorney present at their expense, cross-examine testifying witnesses, and have evidence presented against them disclosed (*Id.*).

[45] *Id.* § (A)(4).

[46] S.C. Code Ann. § 24-21-10(G) (2025).

[47] South Carolina Department of Probation, Parole, and Pardon Services, *Report to the Sentencing Reform Oversight Committee* 20 (2024) [hereinafter *2024 Report*], https://ppp.sc.gov/sites/dppps/files/Documents/Annual%20Statistics%20and%20Reports/SROC%20Reports/2024_SROC_Report.pdf (start at source page https://ppp.sc.gov/about-ppp/statistics-and-reports/legislative-reports/sentencing-reform-and-oversight-committee and click link for "2024 Sentencing Reform and Oversight Committee Report").

[48] *Id.*

[49] South Carolina Department of Probation, Parole, and Pardon Services, *Report to the Sentencing Reform Oversight Committee* 20 (2023), https://ppp.sc.gov/sites/dppps/files/Documents/Annual%20Statistics%20and%20Reports/SROC%20Reports/2023_SROC_Report.pdf (start at source page https://ppp.sc.gov/about-ppp/statistics-and-reports/legislative-reports/sentencing-reform-and-oversight-committee and click link for "2023 Sentencing Reform and Oversight Committee Report").

[50] *2024 Report, supra* note 49.

[51] S.C. Code Ann. § 24-21-610; *Policy Manual, supra* note 1, pt. II § (D)(3)(a).

[52] *See* S.C. Code Ann. § 24-21-715.

[53] *Policy Manual, supra* note 1, pt. II § (D)(3)(b).

Note that one of these medical opinions must come from a Department of Corrections physician; the other may come from any other licensed physician.

[54] S.C. Code Ann. § 24-21-970; *Policy Manual, supra* note 1, pt. IV § (A)(1)(e).

[55] South Carolina Department of Probation, Parole and Pardon Services, *Pardon Application* 4 (May 22, 2025) [hereinafter *Application*], https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/1118%20Pardon%20Application_rvsd%2005222025.pdf (start at source page https://ppp.sc.gov/parole-pardon-release-services/pardon-application and click link for "Pardon Application form").

The Application also requires a reason for requesting the pardon and employment and addresses for the previous five years.

[56] *Application, supra* note 58, at 2.

Board policy also says the terminal illness and life expectancy must be verified by the Department of Corrections (*Policy Manual, supra* note 1, pt. IV § (A)(1)(3)).

[57] S.C. Code Ann. § 24-21-960(A) (2025); *Policy Manual, supra* note 1, pt. IV § (A)(2); *Application, supra* note 58, at 1.

[58] S.C. Code Ann. § 17-25-322(E); *Policy Manual, supra* note 1, pt. IV § (A)(1)(e).

[59] *Policy Manual, supra* note 1, pt. IV § (A)(3)-(4).

No further information is given on what is included in the investigation.

[60] *Id.* § (A)(4).

No further information is given on the hearing process.

[61] *Id.* § (A)(5); S.C. Code Ann. § 24-21-930 (2025); *Application, supra* note 58, at 2.

[62] S.C. Code Ann. § 24-21-960 (B); *Policy Manual, supra* note 1, pt. IV § (A)(9); *Application, supra* note 58, at 2.

[63] *Application, supra* note 58, at 2.

[64] S.C. Code Ann. § 24-21-700; *Policy Manual, supra* note 1, pt. II § (D)(5).

Note both the statute and Board policy use the term "Veterans Administration" instead of "Department of Veterans Affairs," because the statute was created before the creation of the federal Department of Veterans Affairs; the use of Department of Veterans Affairs in this memo refers exclusively to the federal department, not the similarly named South Carolina department.

[65] S.C. Code Ann. § 24-21-700 (2025); *Policy Manual, supra* note 1, pt. II § (D)(5).

[66] S.C. Code Ann. § 24-21-700 (2025); *Policy Manual, supra* note 1, pt. II § (D)(5).

Note the statute and Board policy says an individual may also be released to the custody of a committee that has been appointed to determine commitment to a VA facility. There is no further publicly available information on this committee.

[67] S.C. Code Ann. § 24-21-700 (2025); *Policy Manual, supra* note 1, pt. II § (D)(5).

[68] S.C. Code Ann. § 24-3-210(B); *Operations Manual, supra* note 1, § 30.1; *Health Services Manual, supra* note 4, § 4.

[69] *Health Services Manual, supra* note 4, § 4.1; *Operations Manual, supra* note 1, § 30.1.

[70] S.C. Code Ann. § 24-3-210(D), referencing S.C. Code Ann. § 16-1-60.

The list of violent crimes includes, but is not limited to, murder, criminal sexual conduct in the first- and second-degree, criminal sexual conduct with minors, assault and battery with intent to kill or of a highly aggravated nature, kidnapping, voluntary manslaughter, armed robbery, carjacking, drug trafficking, arson in the first- or second-degree, domestic violence in the first-degree or of a highly aggravated nature, accessory before the fact of any of the crimes listed, or attempt to commit any of the crimes listed (*Id.* § 16-1-60).

Note the statute is unclear as to who is responsible for contacting these individuals and collecting the recommendations.

[71] *Health Services Manual, supra* note 4, § 4.2.

Note the physician may be employed by the Department or a community physician (*Id.* § 4.1).

[72] *Id.* § 4.2.

[73] *Id.* §§ 4.2-4.3.

[74] *Id.* § 4.4.

[75] *Operations Manual, supra* note 1, § 30.1.

[76] *Health Services Manual, supra* note 4, § 4.5.1.

[77] *Id.* § 4.5.2.

[78] *Operations Manual, supra* note 1, § 30.1.

[79] *Health Services Manual, supra* note 4, § 4.6.

The *Medical Furlough Application* is SCDC Form 27-17. The Department has not made the form publicly available on its website.

[80] *Id.* §§ 4.6-4.7.
[81] *Id.* § 4.8; *Operations Manual, supra* note 1, § 30.1.1.

[82] *Health Services Manual, supra* note 4, § 4.9.

[83] Note that Department policy uses both "State Classification" and "Central Classification" to refer to this office.

[84] *Operations Manual, supra* note 1, § 30.1.2.

[85] *Health Services Manual, supra* note 4, § 4.10.1; *Operations Manual, supra* note 1, § 30.1.2.1.

Note all victims and witnesses must be notified in all cases, but written responses are only required for "violent offenders."

[86] *Health Services Manual, supra* note 4, § 4.10.2.

Note that *Operations Manual, supra* note 1, §§ 30.1.2.2-30.1.2.3 details a process that varies slightly from the *Health Services Manual* policy at this point, stating that if there is no community opposition, the application packet goes to the General Counsel's office and the Deputy Director of Operations before being forwarded to the Director, with a recommendation from the Deputy Director. The Director considers the recommendations of law enforcement, victims, and prison staff when deciding. If there is community opposition, the policy states the Division Director of Classification and Inmate Records receives the application for final disposition.

[87] *See* S.C. Code Ann. § 24-3-210(B); *Health Services Manual, supra* note 4, § 4.10.1; *Operations Manual, supra* note 1, § 30.1.2.3.

[88] *Health Services Manual, supra* note 4, § 4.11.

[89] *Id.* § 4.12.1.

[90] *Id.* §§ 4.12.3, 4.13; *Operations Manual, supra* note 1, § 30.1.3.

This process includes an orientation with the individual and the sponsor (*Health Services Manual, supra* note 4, § 4.12.1; *Operations Manual, supra* note 1, § 30.1.3). All normal release procedures also apply (*Id.* § 4.12.13).

[91] The *Health Services Manual* states that a program for proposed furlough includes plans for security, geographical limitations of travel, procedures to notify the Warden if the individual dies, and plans for the individual's return to custody if requested by the individual, sponsor, or Department (*Id.* § 4.12.2).

[92] *Operations Manual, supra* note 1, § 30.1.3.

The residence will also be monitored by the geographically closest Pre-Release center.

[93] *Id.* § 30.1.6.

Note this policy also says that incarcerated individuals must be in their approved residence between the hours of 11 p.m. and 6 a.m. and random documented calls will be made at least a week to the individual and sponsor between 11 p.m. and 5 a.m. (*Id.* § 30.1.5).

[94] *Id.* § 30.1.7.

[95] S.C. Code Ann. § 24-3-210(C).