

Session 125 - (2023-2024)

H*3532 (Rat #0098, Act #0083 of 2023) General Bill, By G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson

Summary: Bond Reform

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO CREATE AN ADDITIONAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IF A PERSON COMMITS A SUBSEQUENT VIOLENT CRIME WHILE SUBJECT TO A BOND ORDER OR PRETRIAL RELEASE ORDER FOR A PREVIOUS VIOLENT CRIME; BY AMENDING SECTION 17-15-15, RELATING TO CASH DEPOSITS IN LIEU OF BOND, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT A DEFENDANT MAY BE RELEASED ON BOND WHO HAS BEEN CHARGED WITH A VIOLENT OFFENSE OR ANY FELONY OFFENSE INVOLVING A FIREARM WHILE OUT ON BOND OR OTHER PRETRIAL RELEASE, THE BOND MUST BE SET AT THE FULL UNITED STATES CASH CURRENCY BOND RATHER THAN TEN PERCENT; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY ADDING SECTION 17-15-35 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE PROCEDURES FOR COURT-ORDERED ELECTRONIC MONITORING IN LIEU OF SETTING BOND OR AS AN ADDITIONAL CONDITION OF BOND; BY ADDING SECTION 17-15-37 SO AS TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROMULGATE REGULATIONS REGARDING ELECTRONIC MONITORING AND TO PROVIDE PARAMETERS FOR WHICH AN ELECTRONIC MONITORING AGENCY MUST OPERATE WITHIN; BY AMENDING SECTION 17-15-55, RELATING TO RECONSIDERATION OF BOND BY THE CIRCUIT COURT SET BY A SUMMARY COURT, SO AS TO PROVIDE A DEFENDANT MUST BE ADVISED OF HIS RIGHT TO A SPEEDY TRIAL AND TO PROVIDE PROCEDURES RELATED TO SPEEDY TRIALS, TO PROVIDE FOR THE REVOCATION OF PREVIOUS BOND IF A PERSON COMMITS A VIOLENT OFFENSE OR A FELONY OFFENSE INVOLVING A FIREARM WHICH WAS COMMITTED WHILE THE PERSON WAS ALREADY OUT ON BOND FOR A PREVIOUS VIOLENT OFFENSE OR FELONY OFFENSE INVOLVING A FIREARM, TO REQUIRE A FULL BOND UNDER CERTAIN REPEAT OFFENDER CIRCUMSTANCES, AND TO PROVIDE CONFORMING PROCEDURES; BY AMENDING SECTION 22-5-510, RELATING TO BAIL AND BOND HEARINGS AND CONDITIONS OF RELEASE, SO AS TO INCLUDE WHETHER A PERSON IS CURRENTLY OUT ON BOND FOR ANOTHER OFFENSE; BY AMENDING SECTION 24-13-40, RELATING TO THE COMPUTATION OF TIME SERVED BY PRISONERS, SO AS TO PROHIBIT CREDIT FOR TIME SERVED PRIOR TO TRIAL AND SENTENCING WHEN THE PRISONER COMMITTED A SUBSEQUENT CRIME WHILE OUT ON BOND OR HAD BOND REVOKED ON ANY CHARGE PRIOR TO TRIAL OR PLEA; BY AMENDING SECTION 24-13-425, RELATING TO THE OFFENSE OF TAMPERING WITH AN ELECTRONIC MONITORING DEVICE, SO AS TO DELETE AN UNNECESSARY DEFINITION AND EXEMPT CERTAIN AUTHORIZED EMPLOYEES OR AGENTS FROM THE PURVIEW OF THE STATUTE; BY ADDING SECTION 17-15-500 SO AS TO ESTABLISH THE SOUTH CAROLINA PRETRIAL REFORM COMMISSION, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, AND TERMINATE THE COMMISSION ON A DATE CERTAIN; BY AMENDING SECTION 38-53-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER ON BAIL BONDSMEN AND RUNNERS, SO AS TO REVISE THE DEFINITION OF "SURETY BONDSMAN" AND DEFINE THE TERM "ELECTRONIC MONITORING"; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, SO AS TO MAKE A TECHNICAL CHANGE REGARDING NONPAYMENT OF PREMIUM FEES ALONE NOT BEING SUFFICIENT TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY AMENDING SECTION 38-53-70, RELATING TO THE ISSUANCE OF BENCH WARRANTS FOR FAILURE TO APPEAR, SO AS TO REVISE THE STATUTE TO APPLY MORE BROADLY WHEN A DEFENDANT VIOLATES THE CONDITIONS OF BOND AND REVISE TIME FRAMES PROVIDED FOR THE NOTICE OF THE BENCH WARRANT; BY ADDING SECTION 38-53-84 SO AS TO REQUIRE NOTIFICATION TO THE APPROPRIATE SOLICITOR IF A DEFENDANT VIOLATES AN ORDER FOR ELECTRONIC MONITORING, TO PROVIDE FOR RELIEF FROM THE BOND IF THE DEFENDANT FAILS TO PAY FOR THE MONITORING, AND TO PROVIDE FOR POSSIBLE REVOCATION OF A BONDSMAN'S LICENSE FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY BONDSMEN AND RUNNERS, SO AS TO PROVIDE ADDITIONAL PAYMENT PROCEDURES AND EXPENSE REIMBURSEMENT PROCEDURES; BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN BAIL BOND REPORTS THAT MUST BE FILED EACH MONTH WITH THE CLERK OF COURT, SO AS TO INCLUDE CURRENT DATA RETAINED AS AN EXPRESS CONDITION OF BOND, AND TO ALLOW FOR THE USE OF A DATA MANAGEMENT SOFTWARE SYSTEM IN LIEU OF THE WRITTEN REPORT; AND BY ADDING SECTION 38-53-55 SO AS TO REQUIRE A PERSON

ENGAGED IN ELECTRONIC MONITORING OF A DEFENDANT CHARGED WITH A VIOLENT OFFENSE TO REPORT TO THE COURT AND LAW ENFORCEMENT OFFICIALS IF THE DEFENDANT HAS CONTACT WITH THE ALLEGED VICTIM. -

RATIFIED TITLE

12/15/22	House	Prefiled
12/15/22	House	Referred to Committee on Judiciary
01/10/23	House	Introduced and read first time (House Journal-page 201)
01/10/23	House	Referred to Committee on Judiciary (House Journal-page 201)
01/18/23	House	Member(s) request name added as sponsor: Carter
01/19/23	House	Member(s) request name added as sponsor: W.Newton, M.M.Smith, Davis, Pace, B.L.Cox
01/24/23	House	Member(s) request name added as sponsor: Gilliam
02/02/23	House	Member(s) request name added as sponsor: Thayer
02/07/23	House	Member(s) request name added as sponsor: Bailey, Hardee, Blackwell
02/14/23	House	Member(s) request name added as sponsor: Leber
02/23/23	House	Committee report: Favorable with amendment Judiciary (House Journal-page 1)
02/23/23	House	Member(s) request name added as sponsor: Mitchell
02/28/23	House	Member(s) request name added as sponsor: Chumley, Ligon, Hiott
02/28/23		Scrivener's error corrected
02/28/23	House	Requests for debate-Rep(s). Hiott, B Newman, Hixon, Forrest, Carter, Felder, Ligon, Lawson, McCravy, Nutt, Brittain, Pace, Ott, Kirby, Anderson, Robbins, Calhoon, May, Murphy, Sandifer, Garvin (House Journal-page 17)
02/28/23	House	Member(s) request name added as sponsor: Yow
03/01/23	House	Member(s) request name added as sponsor: Landing, Hixon, Taylor, Oremus, Cromer, J.E.Johnson
03/01/23	House	Amended (House Journal-page 14)
03/01/23	House	Read second time (House Journal-page 20)
03/01/23	House	Roll call Yeas-92 Nays-20 (House Journal-page 31)
03/02/23		Scrivener's error corrected
03/02/23	House	Read third time and sent to Senate (House Journal-page 31)
03/02/23	House	Roll call Yeas-93 Nays-13 (House Journal-page 31)
03/02/23	Senate	Introduced and read first time (Senate Journal-page 10)
03/02/23	Senate	Referred to Committee on Judiciary (Senate Journal-page 10)
03/02/23		Scrivener's error corrected
03/30/23	Senate	Recalled from Committee on Judiciary (Senate Journal-page 4)
03/30/23	Senate	Special order, set for March 30, 2023 (Senate Journal-page 49)
04/11/23	Senate	Read second time (Senate Journal-page 26)
04/12/23	Senate	Amended (Senate Journal-page 22)
04/12/23	Senate	Read third time and returned to House with amendments (Senate Journal-page 22)
04/12/23	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 22)
04/17/23		Scrivener's error corrected
04/19/23	House	Debate adjourned (House Journal-page 12)
04/20/23	House	Debate adjourned (House Journal-page 17)
04/26/23	House	Senate amendment amended (House Journal-page 43)
04/26/23	House	Roll call Yeas-110 Nays-1 (House Journal-page 48)
04/26/23	House	Returned to Senate with amendments (House Journal-page 49)
05/02/23	Senate	Non-concurrence in House amendment (Senate Journal-page 38)
05/03/23	House	House insists upon amendment and conference committee appointed Reps. JE Johnson, Robbins, Wetmore (House Journal-page 2)
05/03/23	Senate	Conference committee appointed Malloy, Hembree, Adams (Senate Journal-page 15)
06/14/23	House	Free conference powers granted (House Journal-page 42)
06/14/23	House	Roll call Yeas-105 Nays-0 (House Journal-page 42)
06/14/23	House	Free conference committee appointed JE Johnson, Robbins, Wetmore (House Journal-page 42)
06/14/23	House	Free conference report received and adopted (House Journal-page 44)
06/14/23	House	Roll call Yeas-89 Nays-16 (House Journal-page 44)

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06/14/23	Senate	Free conference powers granted (Senate Journal-page 30)
06/14/23	Senate	Free conference committee appointed Malloy, Hembree, Adams (Senate Journal-page 30)
06/14/23	Senate	Free conference report received and adopted (Senate Journal-page 30)
06/14/23	Senate	Roll call Ayes-36 Nays-0 (Senate Journal-page 30)
06/14/23	Senate	Ordered enrolled for ratification (Senate Journal-page 52)
06/14/23		Ratified R 98
06/20/23		Signed By Governor
06/26/23		Effective date See Act for Effective Date
06/26/23		Act No. 83