**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3020**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gullick

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Juries

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑24

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑24

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3020_20081209.docx)

**A** **BILL**

TO AMEND SECTION 14‑7‑1110, AS AMENDED, AND SECTION 14‑7‑1120, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO PEREMPTORY CHALLENGES, SO AS TO ALLOW THE PROSECUTION THE SAME NUMBER OF PEREMPTORY CHALLENGES AS THE DEFENSE IN CRIMINAL CASES; AND TO AMEND SECTION 14‑7‑130, AS AMENDED, RELATING TO THE PREPARATION OF JURY LISTS FROM THE TAPE OF PERSONS HOLDING VALID DRIVER’S LICENSES OR IDENTIFICATION CARDS, SO AS TO PROVIDE THAT JURY LISTS WILL BE PREPARED SOLELY FROM THE LIST OF REGISTERED VOTERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14‑7‑1110 of the 1976 Code, as last amended by Act 10 of 1987, is further amended to read:

“Section 14‑7‑1110. ~~Any~~A person who is ~~arraigned~~indicted for the crime of murder~~, manslaughter, burglary, arson, criminal sexual conduct, armed robbery, grand larceny, or breach of trust when it is punishable as for grand larceny, perjury, or forgery~~ is entitled to peremptory challenges not exceeding ten, and the State in these cases is entitled to peremptory challenges not exceeding ~~five~~ten. ~~Any~~A person who is indicted for any crime or offense other than ~~those enumerated above~~murder has the right to peremptory challenges not exceeding five, and the State in these cases is entitled to peremptory challenges not exceeding five. No right to stand aside jurors is allowed to the State in any case~~whatsoever~~. In ~~no~~a case where ~~there is~~more than one defendant jointly is tried, ~~are~~no more than ~~twenty~~ten peremptory challenges are allowed in all to the defendants, and~~in misdemeanors when there is more than one defendant jointly tried~~ no more than ten peremptory challenges are allowed ~~in all to the defendants. In felonies when there is more than one defendant jointly tried~~to the State~~has ten challenges~~.”

SECTION 2. Section 14‑7‑1120 of the 1976 Code is amended to read:

“Section 14‑7‑1120. In criminal cases the prosecution is entitled to ~~one~~two and the defendant to two peremptory challenges for each alternate juror called under the provisions of Section 14‑7‑320. ~~and~~ In civil cases, each party shall have one strike for each alternate juror.”

SECTION 3. Section 14‑7‑130 of the 1976 Code, as last amended by Act 270 of 2008, is further amended to read:

“Section 14‑7‑130. (A) ~~In September of each year, the Department of Motor Vehicles shall furnish the State Election Commission an electronic file of the name, address, date of birth, social security number, sex, and race of persons who are over the age of eighteen years and citizens of the United States residing in each county who hold a valid South Carolina driver’s license or an identification card issued pursuant to Section 56‑1‑3350. The electronic file also must include persons who have obtained a valid South Carolina driver’s license or identification card during the previous year and exclude persons whose driver’s license or identification card has not been renewed or has been invalidated by judicial or administrative action.~~In October of each year, the State Election Commission shall furnish a jury list to county jury commissioners consisting of a file or list ~~derived by merging the list of registered voters in the county with county residents appearing on the file furnished by the department, but~~of only those ~~licensed drivers and identification cardholders~~persons who are eligible to register to vote~~may be included in the list~~.

(B) Before furnishing the list, the commission must make every effort to eliminate duplicate names and names of persons disqualified from registering to vote or voting pursuant to the laws and Constitution of this State. As furnished to the jury commissioners by the State Election Commission, the list or file constitutes the roll of eligible jurors in the county. Expenses of the ~~Department of Motor Vehicles and the~~State Election Commission in implementing this section must be borne by ~~these agencies~~the commission.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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