~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 31, 2010

**H. 3845**

Introduced by Reps. T.R. Young, Allen and Kelly

S. Printed 3/31/10--S.

Read the first time May 19, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3845) to amend Section 22‑3‑1000, Code of Laws of South Carolina, 1976, relating to the time for a motion for new trial and appeal in magistrates court, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PAUL G. CAMPBELL, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

Counties in the FIST network of local governments were surveyed to determine the fiscal impact of this bill. Two counties responded and indicated there would be no costs to them with the adoption of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 22‑3‑1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

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

SECTION 1. Section 22‑3‑1000 of the 1976 Code is amended to read:

“Section 22‑3‑1000. ~~No~~A motion for a new trial may not be heard unless made within ~~five~~ten days from the rendering of the judgment. The right of appeal from the judgment exists for thirty days after the rendering of the judgment. A magistrate’s order of restitution may be appealed within thirty days. The order of restitution may be appealed separately from an appeal~~, if any,~~ relating to the conviction.”

SECTION 2. 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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.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 3. This act takes effect upon approval by the Governor.

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