**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3132**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. H.B. Brown

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Introduced in the House on January 11, 2011

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

Summary: Domestic abuse

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 57](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 57](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3132_20101207.docx)

**A** **BILL**

TO AMEND SECTION 20‑4‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS REGARDING ORDERS OF PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE FOR A TEN‑DAY TEMPORARY ORDER OF PROTECTION FOR ABUSED PERSONS OR PERSONS ON WHOSE BEHALF A PETITION IS FILED.

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

SECTION 1. Section 20‑4‑50 of the 1976 Code, as last amended by Act 329 of 2002, is further amended to read:

“Section 20‑4‑50. (~~a~~A) Within twenty‑four hours after service of a petition ~~under~~ pursuant to the provisions of this chapter upon the respondent, the court ~~may~~, for good cause shown, may hold an emergency hearing and issue an order of protection if the petitioner proves the allegation of abuse by a preponderance of the evidence. A prima facie showing of immediate and present danger of bodily injury, which may be verified by supporting affidavits, constitutes good cause for purposes of this section.

(~~b~~B) If the court denies the motion for a twenty‑four‑hour hearing or ~~such~~ a hearing is not requested, the petitioner may request and the court must grant the petitioner a ten‑day temporary order of protection and schedule a hearing within fifteen days of the filing of a petition. The court must cause a copy of the petition to be served upon the respondent at least five days prior to the hearing, except as provided in subsection (~~a~~A), in the same manner required for service in the circuit courts. ~~Where~~ When service is not accomplished five days prior to the hearing, the respondent, upon his motion, is entitled to a continuance until such time is necessary to provide for compliance with this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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