**A** **BILL**

TO AMEND SECTION 17‑15‑30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO PROVIDE THAT A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL, AND IS SUBSEQUENTLY CHARGED WITH A VIOLENT OFFENSE, SHALL BE DENIED BAIL WHEN THE PROSECUTOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT NO CONDITION OR COMBINATION OF CONDITIONS REASONABLY ASSURES THE SAFETY OF ANY OTHER PERSON OR THE SAFETY OF THE COMMUNITY IF THE PERSON IS RELEASED, AND TO REQUIRE THE COURT TO CONSIDER THE SOURCE OF FUNDS TO POST BAIL AS IT RELATES TO NONAPPEARANCE.

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

SECTION 1. Section 17‑15‑30 of the 1976 Code is amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, the court may, on the basis of available information, consider the nature and circumstances of the offense charged and the accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) The court shall consider:

(1) the accused’s criminal record;

(2) any charges pending against the accused at the time release is requested;

(3) all incident reports generated as a result of the offense charged, if available; ~~and~~

(4) whether the accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and

(5) the source of funds used to post bail insofar as it affects the risk of nonappearance.

(C) Prior to or at the time of the hearing, the law enforcement officer, local detention facility officer, or local jail officer, as applicable, attending the hearing shall provide the court with the following information if available:

(1) the accused’s criminal record;

(2) any charges pending against the accused at the time release is requested;

(3) all incident reports generated as a result of the offense charged; and

(4) any other information that will assist the court in determining conditions of release.

(D) If a person has previously been released on bail pending trial and during his release is charged with a violent offense as defined by Section 16‑1‑60, and the court finds, by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the appearance of the person as required or the safety of any other person and the community, then the court shall deny release of the person pending trial.

~~(D)~~(E) The law enforcement officer, local detention facility officer, or local jail officer, as applicable, shall inform the court if any of the information required in subsection (C) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement officer, local detention facility officer, or local jail officer, as applicable, to provide the court with the information required in subsection (C) does not constitute grounds for the postponement or delay of the person’s hearing.

~~(E)~~(F) A court hearing this matter has contempt powers to enforce these provisions.”

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

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