~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 26, 2011

**H. 3895**

Introduced by Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King

S. Printed 5/26/11--S.

Read the first time May 3, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3895) to amend Section 17‑15‑20, Code of Laws of South Carolina, 1976, relating to appearance bonds, so as to provide that an appearance bond is valid, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

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

SECTION 1. Section 17‑15‑20 of the 1976 Code is amended to read:

“Section 17‑15‑20. (A) ~~Every~~ An appearance recognizance or appearance bond ~~will~~ must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what ~~shall be~~ is enjoined by the court, and not to ~~depart~~ leave the State, and be of good behavior toward all the citizens ~~thereof~~ of the State, or especially toward ~~any~~ a person or persons specified by the court.

(B) Unless a bench warrant is issued, an appearance recognizance or an appearance bond is discharged upon adjudication, a finding of guilt, a differed disposition, or as otherwise provided by law. An appearance bond is valid for a period of three years from the date the bond is executed for a charge triable in circuit court and eighteen months from the date the bond is executed for a charge triable in magistrates or municipal court. In order for the surety to be relieved of liability on the appearance bond when the time period has run, the surety must provide sixty days written notice to the solicitor, when appropriate, and the respective clerk of court, chief magistrate, or municipal court judge with jurisdiction over the offense of the surety’s intent to assert that the person is no longer subject to a valid appearance bond. If the appropriate court determines the person has substantially complied with his court obligations and the solicitor does not object within the required sixty days by demanding a hearing, the court shall order the appearance bond converted to a personal recognizance bond and the surety relieved of liability.”

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

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