**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3076**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\ms\7002ahb13.docx

Companion/Similar bill(s): 176

Introduced in the House on January 8, 2013

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

Summary: Magistrate Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 75](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 75](file:///h:\HJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3076_20121211.docx)

**A** **BILL**

TO AMEND SECTION 18-3-30, AS AMENDED, AND SECTION 22-3-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEALS IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL OR APPEAL MAY BE FILED AND TO EXTEND THE TIME PERIOD FURTHER IN THE INTERESTS OF JUSTICE UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 18-3-30 of the 1976 Code, as last amended by Act 269 of 2010, is further amended to read:

“Section 18-3-30. (A) The appellant, within ~~ten~~ thirty days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.

(B) A person convicted in magistrates court who pays a fine assessed by the court does not waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.

(C) The time for appeal for all parties is stayed by a timely motion for a new trial and runs from the receipt of written notice of entry of the order granting or denying the motion.”

SECTION 2. Section 22-3-1000 of the 1976 Code is amended to read:

“Section 22-3-1000. (A) ~~No~~ A motion for a new trial may be heard ~~unless made~~ within ~~five~~ thirty days from the rendering of the judgment; however, the court, in its discretion, may hear a motion for a new trial after the thirty-day time period has lapsed if the moving party shows good cause for the delay in filing the motion and the interests of justice are served by the granting of a motion for new trial. The right of appeal from the judgment exists for thirty days after the rendering of the judgment.

(B) 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.

(C) The time for appeal for all parties is stayed by a timely motion for a new trial and runs from the receipt of written notice of entry of the order granting or denying the motion.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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