~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 12, 2014

**S. 887**

Introduced by Senator Campsen

S. Printed 3/12/14--S.

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 887) to amend Section 17‑25‑326, Code of Laws of South Carolina, 1976, relating to the alteration, modification, or rescission of a court order, so as to provide, etc., respectfully

**REPORT:**

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

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III C. BRADLEY HUTTO

For Majority. GERALD MALLOY

For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Judicial Department

Office of the Attorney General

The agencies indicate this bill will have a minimal impact on the General Fund of the State which that agency can absorb at their current level of funding.

South Carolina Commission on Prosecution Coordination:

There is no fiscal impact to the General Fund of this State. This bill only requires that a court hold a hearing before altering a defendant’s sentence which would just be part of the court’s regular workload.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 17‑25‑326, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALTERATION, MODIFICATION, OR RESCISSION OF A COURT ORDER, SO AS TO PROVIDE THAT A COURT SHALL NOT ALTER, MODIFY, OR RESCIND A DEFENDANT’S CRIMINAL SENTENCE, UNLESS THE COURT HAS HELD A HEARING ALLOWING THE DEFENDANT, ATTORNEY GENERAL OR SOLICITOR, AND THE VICTIM TO TESTIFY REGARDING THE DECISION TO ALTER, MODIFY, OR RESCIND THE SENTENCE.

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

SECTION 1. Section 17‑25‑326 of the 1976 Code is amended to read:

“Section 17‑25‑326. (A) ~~Any~~ A court order issued pursuant to ~~the provisions of~~ this article may be altered, modified, or rescinded upon the filing of a petition by the defendant, Attorney General, solicitor, or the victim for good and sufficient cause shown by a preponderance of the evidence.

(B) A court shall not alter, modify, or rescind a defendant’s criminal sentence, unless the court has held a hearing allowing the defendant, Attorney General or solicitor, and the victim to testify regarding the decision to alter, modify, or rescind the sentence. A court may deny a petition to alter, modify, or rescind a defendant’s criminal sentence without a hearing.”

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

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