**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3122**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Johnson

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Introduced in the House on January 12, 2021

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

Summary: Prosecution Coordination Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 79](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 79](file:///h:\hj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3122&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3122_20201209.docx)

**A** **BILL**

TO AMEND SECTION 1‑7‑940, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO REMOVE THE DUTY TO PROVIDE BLANK INDICTMENTS FOR THE CIRCUIT SOLICITORS; AND TO AMEND SECTION 17‑28‑320, RELATING TO THE PRESERVATION OF EVIDENCE, SO AS TO PROVIDE THE AMOUNT OF TIME THE PRIMARY AND BACKUP COURT RECORDING TAPES OF A PROCEEDING MUST BE PRESERVED.

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

SECTION 1. Section 1‑7‑940(A)(4) is amended to read:

“~~(4) provide blank indictments for the circuit solicitors.~~”

SECTION 2. Section 17‑28‑320 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) The primary and backup court recording tapes of a proceeding must be preserved until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A), whichever comes first. However, if the person is convicted or adjudicated on a guilty or nolo contendere plea for the offense enumerated in subsection (A), the primary and backup court recording tapes and electronic versions of any prepared transcriptsof a proceeding must be preserved for seven years from the date of sentencing, or until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A), whichever comes first. At least thirty days before the destruction of a court recording tape or electronically prepared transcript from any criminal proceeding, the court shall notify the parties to the proceeding of the planned destruction and the right to request a copy of the recording or electronic transcript before destruction.”

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

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