**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3883**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. T. Moore, Hyde, Ligon, Brittain, Pope, Long, Lawson, McCravy, Guffey, Elliott, Harris, Nutt, Murphy, Guest, Jordan, Wheeler, W. Newton, Robbins and Mitchell

Companion/Similar bill(s): 475

Document Path: LC-0125AHB23.docx

Introduced in the House on February 7, 2023

Introduced in the Senate on April 27, 2023

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

Summary: Alternate Juror Retention

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2023 House Introduced and read first time ([House Journal‑page 19](h:\hj\20230207.docx))

2/7/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 19](h:\hj\20230207.docx))

4/5/2023 House Member(s) request name added as sponsor: W. Newton

4/19/2023 House Member(s) request name added as sponsor: Robbins

4/19/2023 House Committee report: Favorable **Judiciary** ([House Journal‑page 25](h:\hj\20230419.docx))

4/25/2023 House Member(s) request name added as sponsor: Mitchell

4/26/2023 House Read second time ([House Journal‑page 34](h:\hj\20230426.docx))

4/26/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 34](h:\hj\20230426.docx))

4/27/2023 House Read third time and sent to Senate ([House Journal‑page 10](h:\hj\20230427.docx))

4/27/2023 House Roll call Yeas-108 Nays-0 ([House Journal‑page 11](h:\hj\20230427.docx))

4/27/2023 Senate Introduced and read first time ([Senate Journal‑page 7](h:\sj\20230427.docx))

4/27/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](h:\sj\20230427.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3883&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3883_20230207.docx)

[04/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3883_20230419.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 19, 2023

H. 3883

Introduced by Reps. T. Moore, Hyde, Ligon, Brittain, Pope, Long, Lawson, McCravy, Guffey, Elliott, Harris, Nutt, Murphy, Guest, Jordan, Wheeler, W. Newton and Robbins

S. Printed 04/19/23--H.

Read the first time February 07, 2023

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The committee on House Judiciary

To who was referred a Bill (H. 3883) to amend the South Carolina Code Of Laws by amending Section 14‑7‑1340, relating to the duties and service of alternate jurors, so as to allow the court to retain, etc., respectfully

Report:

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

WESTON NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill allows for an alternate juror serving in the stead of a regular juror to also be kept in confinement with other regular jurors during the jury’s deliberations. This bill also gives the court the discretion to discharge an alternate juror upon the final submission of the case to the jury. Currently, the court may require an alternate juror to serve in the stead of a regular juror who has been discharged due to death, illness, or disability during the remainder of proceedings before the final submission of the case to the jury, and the alternate juror is discharged at the final submission of the case. This bill extends the period in which an alternate juror may be called upon to serve and gives the court the discretion to hold an alternate juror through the deliberations.

The bill requires Judicial to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14‑7‑1340, RELATING TO THE DUTIES AND SERVICE OF ALTERNATE JURORS, SO AS TO ALLOW THE COURT TO RETAIN ALTERNATE JURORS UPON SUBMISSION OF A CASE TO A JURY FOR DELIBERATIONS.

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

SECTION 1. Section 14‑7‑1340 of the S.C. Code is amended to read:

Section 14‑7‑1340. Such Alternate jurors shall sit near the jury panel charged with the case, shall have the same opportunities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already sworn and shall attend at all times the trial of the cause in company with the other jurors. They shall obey the orders of, and be bound by, the admonition of the court upon each adjournment of the court and, if the regular jurors are ordered to be kept in custody by the court during the trial of the cause, suchthe alternate jurors shall also must be kept in confinement with the other jurors and, except as hereinafter provided, shallmay be discharged upon the final submission of the case to the jury in the discretion of the court. If, before the final submission of the case to the jury or during the jury’s deliberations, a juror thereon dies or becomes so ill or disabled as to be unable in the judgment of the court to perform his duties thereon, the court shall order him to be discharged and draw the name of one of the alternates, if there be more than one, by ballot to serve in the place of suchthe dead or discharged juror throughout the remainder of the proceedings and deliberations, being subject to the same rules and regulations as applied to the remainder of jurors, just as though he had been one of the original jurors. If there be but one alternate, he shallmust be placed upon the jury panel for all further proceedings and deliberations in such cause.

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

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