DISCLAIMER

The South Carolina Legislative Council is offering access to the South Carolina Code of Laws on the Internet as a service to the public. The South Carolina Code on the General Assembly's website is now current through the 2015 session. The South Carolina Code, consisting only of Code text, numbering, history, and Effect of Amendment, Editor’s, and Code Commissioner’s notes may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the South Carolina Code available on the South Carolina General Assembly's website, this version of the South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify the Legislative Services Agency at LSA@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LSA will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 7

Compelling Attendance of Witnesses

**SECTIONS 19‑7‑10 to 19‑7‑40.** Repealed by 1985 Act No. 100, Section 2, eff July 1, 1985.

Editor’s Note

1985 Act No. 100, Sections 1 and 3, provide as follows:

“SECTION 1. Pursuant to Article V, Section 4A of the Constitution of this State, the Supreme Court of South Carolina has promulgated Rules of Civil Procedure governing practice and procedure in civil actions in the courts of this State, which rules were not disapproved by the General Assembly; and it is the intent of the General Assembly to repeal provisions of the 1976 Code of Laws of South Carolina, to be replaced by the Rules of Civil Procedure.”

“SECTION 3. In event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not repealed in this act, the provision of the rules shall control. However, neither the promulgation of the rules nor this act may be construed to affect the substantive legal rights of any party to any civil litigation in the courts of this State but shall affect only matters of practice and procedure.”

Former Sections 19‑7‑10 to 19‑7‑40 were derived from 1962 Code Sections 26‑201 to 26‑204; 1952 Code Sections 26‑201 to 26‑204; 1942 Code Sections 684, 685, 688, 689; 1932 Code Sections 684, 685, 688, 689; Civ. P. ‘22 Sections 700, 701, 704, 705; Civ. C. ‘12 Sections 3965, 3966, 3969, 3970; Civ. C. ‘02 Sections 2861, 2862, 2865, 2866; G. S. 2193, 2194, 2198, 2190; R. S. 2325, 2326, 2329, 2330; 1974 (58) 2025; 1945 (44) 15; 1794 (5) 249; 1785 (7) 219; 1755 (7) 219.

Former Section 19‑7‑10 was entitled “Clerks shall subpoena witnesses; what shall be in subpoena”.

Former Section 19‑7‑20 was entitled “Means by which witness in another county shall be subpoenaed”.

Former Section 19‑7‑30 was entitled “Fines for contempt and damages for failure to attend”.

Former Section 19‑7‑40 was entitled “Person refusing to give evidence or answer interogatories shall be jailed”.

**SECTION 19‑7‑50.** Means by which prisoners shall be brought into court as witnesses.

 Whenever it shall be necessary to bring any prisoner into court as a witness in any case the presiding judge may order such prisoner to be brought into court, without the necessity of a writ of habeas corpus. And when the said prisoner shall have given his evidence the judge shall cause him to be remanded to the custody of the officer to whose keeping he shall have been originally committed.

HISTORY: 1962 Code Section 26‑205; 1952 Code Section 26‑205; 1942 Code Section 690; 1932 Code Section 690; Civ. P. ‘22 Section 706; Civ. C. ‘12 Section 3971; Civ. C. ‘02 Section 2867; G. S. 2201; R. S. 2331; 1808 (5) 571.

**SECTION 19‑7‑60.** Process to compel attendance of criminal defendant’s witnesses; sanctions for disobedience.

 In all criminal prosecutions the accused shall have compulsory process for obtaining witnesses in his favor. The compulsory process shall be in misdemeanors a subpoena under the official signature of the clerk of the court or other judicial officer. Such subpoena or a copy thereof shall be served upon the witness a reasonable time before such witness is required to attend court. For any disobedience to such subpoena the court may punish for contempt.

HISTORY: 1962 Code Section 26‑206; 1952 Code Section 26‑206; 1942 Code Section 983; 1932 Code Section 983; Cr. P. ‘22 Section 74; Cr. C. ‘12 Section 71; Cr. C. ‘02 Section 45; G. S. 2638; R. S. 45; 1731 (3) 286; 1839 (11) 23; 1896 (22) 102.