

## Session 110 - (1993-1994)

### S\*0194 (Rat #0195, Act #0140 of 1993) General Bill, By Hayes, Martin, Peeler, H.S. Stilwell, Waldrep and Wilson

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Sections 17-25-322 through 17-25-326, so as to provide that when defendant is convicted of a crime which has resulted in pecuniary damages or loss, the court must hold a hearing to determine the amount of restitution due the victims of the defendant's criminal acts, provide that the hearings must be held as a matter of course unless the defendant agrees to the amount due, provides for the factors which the court must consider in determining restitution; provides that the court must retain jurisdiction of the case for the purpose of modifying the order until paid in full or until the defendant's sentence and probation and sentence, if any, expires, provides that when a defendant has been placed on probation and is in default of any fines, surcharges, assessments, costs, and fees ordered, the court, on motion of the victim, the solicitor, or a probation and parole agent, or upon its own motion, must hold a hearing for the defendant to show cause as to why his default would not be treated as a civil judgment and a judgment lien attached, provide that the court must enter judgment in favor of the state and in favor of the victim for any fines, costs, fees, and restitution for the unpaid balance, provide that judgments may be enforced as any civil judgment in the court of common pleas, require that the clerk of court enter any judgment issued pursuant to the provisions of Section 17-25-323 in the civil judgment records of the court, provide that no judgment is effective until entry is made and that the judgment creditor is required to record satisfaction of the judgment; provide a judgment and sentence of a court of general sessions in a criminal case against an individual may be enforced as a judgment is enforced in the court of common pleas in civil actions; and provide that any court order issued pursuant to the provisions of Article 3, Chapter 25, Title 17 may be altered, modified, or rescinded upon the filing of a petition by the defendant, solicitor, or the victim for good and sufficient cause shown by the preponderance of the evidence.-amended title

01/13/93	Senate	Introduced and read first time SJ-8
01/13/93	Senate	Referred to Committee on Judiciary SJ-8
02/10/93	Senate	Committee report: Favorable Judiciary SJ-10
02/11/93	Senate	Amended SJ-22
02/11/93	Senate	Read second time SJ-24
02/11/93	Senate	Ordered to third reading with notice of amendments SJ-24
02/17/93	Senate	Read third time and sent to House SJ-22
02/18/93	House	Introduced and read first time HJ-11
02/18/93	House	Referred to Committee on Judiciary HJ-12
05/25/93	House	Committee report: Favorable with amendment Judiciary HJ-7
05/27/93	House	Amended HJ-155
05/27/93	House	Read second time HJ-157
06/01/93	House	Read third time and returned to Senate with amendments HJ-6
06/01/93	Senate	Concurred in House amendment and enrolled SJ-84
06/10/93		Ratified R 195
06/14/93		Signed By Governor
06/14/93		Effective date 06/14/93
07/19/93		Act No. 140
07/19/93		Copies available