

Session 115 - (2003-2004)

H 3697 General Bill, By Lloyd, Loftis, Mack, Martin, Moody-Lawrence, Scott and Weeks

Summary: Magistrates, electronic recording of testimony; must be retained for at least 30 days; provisions for granting a new trial

A BILL TO AMEND SECTION 22-3-790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECORDING AND ACKNOWLEDGMENT OF TESTIMONY PRESENTED BEFORE A MAGISTRATE, SO AS TO PROVIDE THAT IN A CASE IN WHICH A STENOGRAPHER RECORDS THE TESTIMONY OR A CASE IN WHICH TESTIMONY IS ELECTRONICALLY RECORDED, THE RECORD OF THE TESTIMONY MUST BE RETAINED BY THE MAGISTRATE FOR AT LEAST SIXTY DAYS, AND TO PROVIDE THAT IF THE MAGISTRATE FAILS TO MAINTAIN THE RECORD OF THIS TESTIMONY, THEN AN APPELLATE COURT MUST GRANT THE DEFENDANT A NEW TRIAL UPON AN APPEAL OF THE MAGISTRATE'S VERDICT; AND TO AMEND SECTION 14-25-195, RELATING TO THE RIGHT OF A PARTY IN CERTAIN MUNICIPAL COURT TRIALS TO HAVE TESTIMONY RECORDED, SO AS TO PROVIDE THAT A MUNICIPAL COURT JUDGE MUST RETAIN A RECORDING OF TESTIMONY FOR AT LEAST SIXTY DAYS AFTER A TRIAL, AND TO PROVIDE THAT AN APPELLATE COURT MAY GRANT A DEFENDANT A NEW TRIAL IF THE MUNICIPAL COURT JUDGE FAILS TO MAINTAIN A RECORD OF THE TESTIMONY FOR AT LEAST SIXTY DAYS.

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