

Session 116 - (2005-2006)

H 4841 General Bill, By McLeod, Jennings, Allen, Haskins, Rivers, Sinclair, G.M. Smith, J.E. Smith and Viers

Summary: Judicial Enhancement Act of 2006

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "JUDICIAL ENHANCEMENT ACT OF 2006", BY ADDING SECTION 14-17-380 SO AS TO DIRECT EACH COUNTY CLERK OF COURT TO REPORT CERTAIN INFORMATION TO COURT ADMINISTRATION REGARDING INDICTMENTS; BY ADDING ARTICLE 3 TO CHAPTER 27, TITLE 15 SO AS TO PROVIDE A PROCEDURE FOR THE ASSIGNMENT OF A SINGLE CIRCUIT COURT JUDGE TO COMPLEX CIVIL ACTIONS; BY ADDING SECTION 20-7-405 SO AS TO EMPOWER A FAMILY COURT JUDGE TO APPOINT A HEARING OFFICER TO HEAR MATTERS INSTITUTED IN THE FAMILY COURT; BY ADDING SECTION 20-7-425 SO AS TO FACTORS FOR THE FAMILY COURT TO CONSIDER WHEN DETERMINING ATTORNEY'S FEES; TO AMEND SECTION 8-21-1010, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED BY MAGISTRATES, SO AS TO INCREASE THE FEE IN ALL CIVIL ACTIONS, FOR ISSUING A SUMMONS AND COPY FOR THE DEFENDANT, AND FOR FILING JUDGMENT WITH OR WITHOUT A HEARING FROM FORTY-FIVE DOLLARS TO ONE HUNDRED TWENTY DOLLARS; TO AMEND SECTION 14-5-610, AS AMENDED, RELATING TO THE DIVISION OF THE STATE INTO JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF AT-LARGE CIRCUIT COURT JUDGES FROM THIRTEEN TO SIXTEEN; TO AMEND SECTION 17-27-70, RELATING TO POST-CONVICTION RELIEF PROCEDURES, SO AS TO REVISE THE PROCEDURE FOR JUDICIAL REVIEW OF POST-CONVICTION RELIEF FILINGS TO INCLUDE THE ISSUANCE OF A CERTIFICATE OF PROBABLE CAUSE; TO AMEND SECTION 20-7-1410, AS AMENDED, RELATING TO FAMILY COURT JUDICIAL CIRCUITS, SO AS TO INCREASE BY ONE THE NUMBER OF JUDGES IN THE FIFTH, SEVENTH, AND SIXTEENTH CIRCUITS; TO AMEND SECTION 22-3-10, AS AMENDED, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES COURTS, SO AS TO INCREASE THE CIVIL JURISDICTION FROM SEVEN THOUSAND FIVE HUNDRED DOLLARS TO FIFTEEN THOUSAND DOLLARS; TO AMEND SECTION 22-3-545, AS AMENDED, RELATING TO TRANSFER OF CERTAIN CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES COURT, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE THAT A CASE MAY BE TRANSFERRED TO MAGISTRATES COURT IF THE PENALTY FOR THE CRIME DOES NOT EXCEED ONE YEAR OR IS A CRIME CLASSIFIED AS A MISDEMEANOR; AND TO AMEND SECTION 24-13-150, RELATING TO SERVICE OF A SENTENCE BY A PERSON WHO COMMITS A "NO PAROLE OFFENSE", SO AS TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO FURTHER REDUCE AN OFFENDER'S SENTENCE BELOW THE MANDATED EIGHTY-FIVE PERCENT REQUIREMENT DOWN TO SEVENTY-FIVE PERCENT UNDER CERTAIN CIRCUMSTANCES.

03/15/06 House Introduced and read first time HJ-107

03/15/06 House Referred to Committee on Judiciary HJ-109