

Session 115 - (2003-2004)

S 0958 General Bill, By Fair, Branton, Cromer, Mescher, Giese, Waldrep and Martin

Summary: Post-conviction relief proceedings

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-27-65 SO AS TO PROVIDE THAT A PERSON WHO TAKES PART IN THE PROCUREMENT, INITIATION, CONTINUATION, OR DEFENSE OF ANY SECOND OR SUBSEQUENT POST-CONVICTION RELIEF PROCEEDING MAY BE ASSESSED FOR PAYMENT OF ALL OR A PORTION OF THE ATTORNEY'S FEES AND COURT COSTS OF THE OTHER PARTY UNDER CERTAIN CIRCUMSTANCES, TO DEFINE THE TERM "PERSON", AND TO PROVIDE PENALTIES FOR FILING A NON-MERITORIOUS SECOND OR SUBSEQUENT POST-CONVICTION RELIEF APPLICATION; BY ADDING SECTION 17-27-68 SO AS TO PROVIDE THAT A PRISONER IS RESPONSIBLE FOR PAYING CERTAIN FEES ASSOCIATED WITH FILING A SECOND OR SUBSEQUENT ACTION FOR POST-CONVICTION RELIEF FROM MONIES MAINTAINED IN HIS PRISONER TRUST ACCOUNT; TO AMEND SECTION 17-27-50, RELATING TO THE FORM AND CONTENTS OF AN APPLICATION FOR POST-CONVICTION RELIEF, SO AS TO PROVIDE THAT THE APPLICATION MUST DETERMINE WHETHER THE APPLICANT PREVIOUSLY HAS FILED AN APPLICATION FOR POST-CONVICTION RELIEF OR A PETITION FOR HABEAS CORPUS RELATING TO HIS PRESENT INCARCERATION, REQUIRE THE APPLICANT TO ATTACH A COPY OF HIS INMATE TRUST ACCOUNT BALANCE SHEET UNDER CERTAIN CIRCUMSTANCES, AND MUST CONTAIN A PROVISION THAT STATES THAT A NONMERITORIOUS FUTURE APPLICATION FOR POST-CONVICTION RELIEF MAY RESULT IN THE INMATE'S LOSS OF WORK CREDITS, EDUCATION CREDITS, GOOD TIME CREDITS, AND INMATE TRUST FUNDS; AND TO AMEND SECTION 17-27-20, RELATING TO POST-CONVICTION RELIEF FILINGS, SO AS TO PROVIDE THAT A FEE IS NOT REQUIRED FOR AN INITIAL FILING FOR POST-CONVICTION RELIEF.

02/11/04 Senate Introduced and read first time SJ-29

02/11/04 Senate Referred to Committee on Judiciary SJ-29

04/21/04 Senate Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-46

04/22/04 Scrivener's error corrected