

## Session 119 - (2011-2012)

**S\*0045 (Rat #0329, Act #0286 of 2012) General Bill, By McConnell, Campsen and Ford**

**Similar (S 0266)**

**Summary:** Bond reconsideration

AN ACT TO AMEND SECTION 17-15-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED BY THE COURT WHEN DETERMINING RELEASE OF A PERSON ON BOND, SO AS TO DELETE REFERENCES TO SPECIFIC LAW ENFORCEMENT ENTITIES AND INSERT ARRESTING LAW ENFORCEMENT AGENCY AS APPROPRIATE TO PROVIDE THE COURT WITH NECESSARY INFORMATION; BY ADDING SECTION 17-15-55 SO AS TO PROVIDE THAT THE CIRCUIT COURT MAY CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE, TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT'S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCES, TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT'S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT, AND TO PROVIDE THAT, IF THE STATE'S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY-EIGHT HOURS; TO AMEND SECTION 17-15-10, RELATING TO RELEASE OF A PERSON CHARGED WITH A NONCAPITAL OFFENSE ON HIS OWN RECOGNIZANCE OR ON BOND, SO AS TO ALLOW A PERSON CHARGED WITH BURGLARY IN THE FIRST DEGREE TO HAVE HIS BOND HEARING IN SUMMARY COURT UNLESS THE SOLICITOR OBJECTS; TO PROVIDE THAT THE PROVISIONS OF ACT 115 OF 2012 WHICH AMENDED SECTION 17-15-20 OF THE 1976 CODE ARE RETROACTIVE; AND TO AMEND SECTION 38-53-50, AS AMENDED, RELATING TO BAIL BONDSMEN OR SURETIES RELIEVED OF BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE THAT ONCE THE REQUIRED AFFIDAVIT IS FILED THE SURETY IS RELIEVED OF LIABILITY ON THE BOND UNLESS OTHERWISE ORDERED BY THE CIRCUIT COURT WITHIN A CERTAIN PERIOD OF TIME. - ratified title

12/01/10	Senate	Prefiled
12/01/10	Senate	Referred to Committee on Judiciary
01/11/11	Senate	Introduced and read first time (Senate Journal-page 25)
01/11/11	Senate	Referred to Committee on Judiciary (Senate Journal-page 25)
01/09/12	Senate	Referred to Subcommittee: Knotts (ch), Massey, Coleman
03/07/12	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 10)
03/08/12		Scrivener's error corrected
03/20/12	Senate	Committee Amendment Adopted (Senate Journal-page 80)
03/20/12	Senate	Read second time (Senate Journal-page 80)
03/20/12	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 80)
03/27/12	Senate	Read third time and sent to House (Senate Journal-page 21)
03/28/12	House	Introduced and read first time (House Journal-page 12)
03/28/12	House	Referred to Committee on Judiciary (House Journal-page 12)
05/30/12	House	Committee report: Favorable with amendment Judiciary (House Journal-page 34)
06/05/12	House	Requests for debate-Rep(s). Ott, Sellers, Williams, Sabb, Munnerlyn, Brantley, Rutherford, Hosey, Hardwick (House Journal-page 85)
06/06/12	House	Amended (House Journal-page 61)
06/06/12	House	Read second time (House Journal-page 61)
06/06/12	House	Roll call Yeas-84 Nays-23 (House Journal-page 71)
06/07/12	House	Read third time and returned to Senate with amendments
06/07/12	Senate	Non-concurrence in House amendment (Senate Journal-page 123)
06/07/12	Senate	Roll call Ayes-0 Nays-38 (Senate Journal-page 123)
06/07/12	House	House insists upon amendment and conference committee appointed Reps. Bannister, McCoy, and Stavrinakis (House Journal-page 56)
06/07/12	Senate	Conference committee appointed Knotts, Massey, and Coleman (Senate Journal-page 125)
06/21/12	House	Free conference powers granted (House Journal-page 215)
06/21/12	House	Roll call Yeas-95 Nays-0 (House Journal-page 216)

06/21/12	House	Free conference committee appointed Bannisster, McCoy, Stavrinakis (House Journal-page 217)
06/21/12	House	Free conference report adopted (House Journal-page 217)
06/21/12	House	Roll call Yeas-82 Nays-0 (House Journal-page 223)
06/28/12	Senate	Free conference powers granted (Senate Journal-page 28)
06/28/12	Senate	Roll call Ayes-32 Nays-0 (Senate Journal-page 28)
06/28/12	Senate	Free conference committee appointed Knotts, Massey, and Coleman (Senate Journal-page 28)
06/28/12	Senate	Free conference report adopted (Senate Journal-page 28)
06/28/12	Senate	Roll call Ayes-32 Nays-0 (Senate Journal-page 28)
06/28/12	Senate	Ordered enrolled for ratification (Senate Journal-page 37)
06/29/12		Ratified R 329
06/29/12		Signed By Governor
07/17/12		Effective date 06/29/12
07/17/12		Act No. 286