**South Carolina General Assembly**

118th Session, 2009-2010

**A38, R93, H3123**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith, H.B. Brown, McLeod, Horne, Weeks, Hutto and T.R. Young

Document Path: l:\council\bills\gjk\20021sd09.docx

Introduced in the House on January 13, 2009

Introduced in the Senate on March 3, 2009

Last Amended on February 26, 2009

Passed by the General Assembly on May 13, 2009

Governor's Action: June 2, 2009, Signed

Summary: Attorneys

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑56

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑56

2/10/2009 House Member(s) request name added as sponsor: McLeod

2/17/2009 House Member(s) request name added as sponsor: Horne

2/18/2009 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-18-09.docx)‑3

2/19/2009 House Member(s) request name added as sponsor: Weeks

2/24/2009 House Member(s) request name added as sponsor: Hutto, T.R.Young

2/24/2009 House Debate adjourned until Wednesday, February 25, 2009 [HJ](file:///h:\HJ%20Archive\2009\02-24-09.docx)‑24

2/26/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑12

2/26/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑13

2/26/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑13

2/27/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\02-27-09.docx)‑1

3/3/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\03-03-09.docx)‑11

3/3/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\03-03-09.docx)‑11

3/6/2009 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

4/22/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\04-22-09.docx)‑10

4/23/2009 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2009\04-23-09.docx)‑21

4/23/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\04-23-09.docx)‑21

4/24/2009 Scrivener's error corrected

5/7/2009 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2009\05-07-09.docx)‑23

5/13/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2009\05-13-09.docx)‑48

5/13/2009 House Roll call Yeas‑94 Nays‑0 [HJ](file:///h:\HJ%20Archive\2009\05-13-09.docx)‑48

5/27/2009 Ratified R 93

6/2/2009 Signed By Governor

6/11/2009 Effective date 06/02/09

6/12/2009 Act No. 38

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3123_20081216.docx)

[2/18/2009](file:///p:\pprever\2009-10\3123_20090218.docx)

[2/26/2009](file:///p:\pprever\2009-10\3123_20090226.docx)

[4/22/2009](file:///p:\pprever\2009-10\3123_20090422.docx)

[4/23/2009](file:///p:\pprever\2009-10\3123_20090423.docx)

[4/24/2009](file:///p:\pprever\2009-10\3123_20090424.docx)

(A38, R93, H3123)

**AN ACT TO AMEND SECTION 40‑5‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT A PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT TO APPLICABLE COURT RULES, OR OTHERWISE AUTHORIZED TO PERFORM PRESCRIBED LEGAL ACTIVITIES BY ACTION OF THE SUPREME COURT OF SOUTH CAROLINA IN ORDER TO EITHER PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THAT THE TYPE OF CONDUCT THAT IS THE SUBJECT OF ANY CHARGE FILED PURSUANT TO THIS SECTION MUST HAVE BEEN DEFINED AS THE UNAUTHORIZED PRACTICE OF LAW BY THE SUPREME COURT OF SOUTH CAROLINA PRIOR TO ANY CHARGE BEING FILED.**

Be it enacted by the General Assembly of the State of South Carolina:

**Practicing law or soliciting legal cause of another**

SECTION 1. Section 40‑5‑310 of the 1976 Code is amended to read:

“Section 40‑5‑310. No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The type of conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by the Supreme Court of South Carolina prior to any charge being filed. A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

\_\_\_\_\_\_\_\_\_\_