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COMMITTEE REPORT

May 26, 2010

**S. 1250**

Introduced by Senator Knotts

S. Printed 5/26/10--S.

Read the first time March 3, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1250) to amend Section 17-22-710, Code of Laws of South Carolina, 1976, relating to the establishment of a worthless check unit, fee schedules, administrative costs, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JOHN M. KNOTTS, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 17-22-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF A WORTHLESS CHECK UNIT, FEE SCHEDULES, ADMINISTRATIVE COSTS, AND DISBURSEMENT OF FUNDS COLLECTED, SO AS TO AUTHORIZE THE CIRCUIT SOLICITOR TO ESTABLISH THE WORTHLESS CHECK UNIT, REVISE THE FEE SCHEDULES, AND PROVIDE THAT PARTIAL FUNDS COLLECTED DO NOT PROHIBIT PROSECUTION FOR THE FULL AMOUNT OF A FRAUDULENT CHECK.

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

SECTION 1. Section 17‑22‑710 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 17‑22‑710. (A) A circuit solicitor may establish, under his direction and control ~~and with the agreement of the county governing body~~, a Worthless Check Unit for the purpose of processing worthless checks and to assist the victims of these cases in the collection of restitution. The fee ~~schedule is~~ schedules are as follows:

(1) ~~fifty dollars for checks up to five hundred dollars~~ prior to an arrest warrant being issued and in addition to the service charge provided in Section 34‑11‑70(a), the fee schedule for the Worthless Check Unit is:

(a) seventy‑five dollars for checks up to five hundred dollars;

(b) one hundred twenty‑five dollars for checks over five hundred dollars to one thousand dollars; and

(c) one hundred seventy‑five dollars for checks greater than one thousand dollars;

(2) ~~one hundred dollars for checks five hundred one dollars to one thousand dollars; and~~ after an arrest warrant has been issued for a magistrates court offense and in addition to the service charge provided in Section 34‑11‑70(a) and applicable court fines, the fee schedule for the Worthless Check Unit is:

(a) one hundred dollars for checks up to five hundred dollars;

(b) one hundred seventy‑five dollars for checks over five hundred dollars to one thousand dollars; and

(c) two hundred twenty‑five dollars for checks greater than one thousand dollars; and

(3) ~~one hundred fifty dollars for checks one thousand one dollars or greater~~ after an arrest warrant has been issued for a general sessions level offense and in addition to the service charge contained in Section 34‑11‑70(a) and applicable court fines, the fee schedule for the Worthless Check Unit is:

(a) one hundred twenty‑five dollars for checks up to five hundred dollars;

(b) two hundred twenty‑five dollars for checks over five hundred dollars to one thousand dollars; and

(c) three hundred fifty dollars for checks greater than one thousand dollars.

(B) After the issuance of an arrest warrant, an amount equal to the allowable administrative costs ~~contained~~ provided in Section 34‑11‑70(c) must be added to the fee. ~~All fees collected by the Worthless Check Unit in accordance with the fee schedule promulgated pursuant to this section must be deposited into a fund known as the Worthless Check Fund maintained by the county treasurers of the counties comprising the circuit, other than~~ Court costs and an amount equal to the allowable administrative costs ~~contained~~ provided in Section 34‑11‑70(c) ~~which~~  must be remitted to the county treasurer for deposit in the county general fund. ~~All funds collected and deposited into this fund~~ The fee funds collected by the Worthless Check Unit pursuant to the provisions of subsection (A) must be applied first to defray the costs of operating the Worthless Check Unit with the balance to be used by the solicitor to pay the normal operating expenses of ~~his~~ the solicitor’s office. Withdrawals from this account may be made only at the request of the solicitor. The funds generated pursuant to this section may not be used to reduce the amount budgeted by the county to the solicitor’s office. The solicitor shall maintain an account for the purpose of collecting and disbursing restitution funds collected for the benefit of victims’ worthless checks. The Worthless Check Unit shall disburse to the victim all restitution collected as a result of the original complaint filed. If the victim cannot be located after a reasonable time and diligent efforts the restitution due the victim must be transferred to the general fund of the county.

(C) Partial funds collected by the Worthless Check Unit on a fraudulent check do not bar or prohibit prosecution for the full amount of the fraudulent check.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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