**South Carolina General Assembly**

119th Session, 2011-2012

**A115, R122, H3895**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King

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Companion/Similar bill(s): 795

Introduced in the House on March 9, 2011

Introduced in the Senate on May 3, 2011

Passed by the General Assembly on January 12, 2012

Governor's Action: February 1, 2012, Signed

Summary: Bond appearance

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/9/2011 House Introduced and read first time ([House Journal‑page 12](file:///h%3A%5Chj%20archive%5C2011%5C03-09-11.docx))

 3/9/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h%3A%5Chj%20archive%5C2011%5C03-09-11.docx))

 3/15/2011 House Member(s) request name added as sponsor: Tribble, Willis

 4/27/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 House Member(s) request name added as sponsor: King

 4/28/2011 House Read second time ([House Journal‑page 28](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 House Roll call Yeas‑96 Nays‑1 ([House Journal‑page 28](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 House Unanimous consent for third reading on next legislative day ([House Journal‑page 30](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/29/2011 House Read third time and sent to Senate ([House Journal‑page 3](file:///h%3A%5Chj%20archive%5C2011%5C04-29-11.docx))

 5/3/2011 Senate Introduced and read first time ([Senate Journal‑page 26](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/3/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 26](file:///h%3A%5Csj%20archive%5C2011%5C05-03-11.docx))

 5/26/2011 Senate Polled out of committee **Judiciary** ([Senate Journal‑page 22](file:///h%3A%5Csj%20archive%5C2011%5C05-26-11.docx))

 5/26/2011 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 22](file:///h%3A%5Csj%20archive%5C2011%5C05-26-11.docx))

 6/1/2011 Senate Read second time ([Senate Journal‑page 47](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 6/1/2011 Senate Roll call Ayes‑37 Nays‑2 ([Senate Journal‑page 47](file:///h%3A%5Csj%20archive%5C2011%5C06-01-11.docx))

 1/12/2012 Senate Read third time and enrolled ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2012%5C01-12-12.docx))

 1/26/2012 Ratified R 122

 2/1/2012 Signed By Governor

 2/8/2012 Effective date 02/01/12

 2/10/2012 Act No. 115

**VERSIONS OF THIS BILL**

[3/9/2011](file:///p%3A%5Cpprever%5C2011-12%5C3895_20110309.docx)

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C3895_20110427.docx)

[5/26/2011](file:///p%3A%5Cpprever%5C2011-12%5C3895_20110526.docx)

(A115, R122, H3895)

**AN ACT TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.**

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

**Appearance bonds, validity, relief of surety**

SECTION 1. Section 17‑15‑20 of the 1976 Code is amended to read:

 “Section 17‑15‑20. (A) An appearance recognizance or appearance bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court.

 (B) Unless a bench warrant is issued, an appearance recognizance or an appearance bond is discharged upon adjudication, a finding of guilt, a deferred disposition, or as otherwise provided by law. An appearance bond is valid for a period of three years from the date the bond is executed for a charge triable in circuit court and eighteen months from the date the bond is executed for a charge triable in magistrates or municipal court. In order for the surety to be relieved of liability on the appearance bond when the time period has run, the surety must provide sixty days written notice to the solicitor, when appropriate, and the respective clerk of court, chief magistrate, or municipal court judge with jurisdiction over the offense of the surety’s intent to assert that the person is no longer subject to a valid appearance bond. If the appropriate court determines the person has substantially complied with his court obligations and the solicitor does not object within the required sixty days by demanding a hearing, the court shall order the appearance bond converted to a personal recognizance bond and the surety relieved of liability.”

**Time effective**

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

Ratified the 26th day of January, 2012.

Approved the 1st day of February, 2012.

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