**South Carolina General Assembly**

119th Session, 2011-2012

**A263, R308, H4798**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McLeod and Bowers

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Introduced in the House on February 22, 2012

Introduced in the Senate on May 2, 2012

Last Amended on May 31, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Municipal Court trials

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/22/2012 House Introduced and read first time ([House Journal‑page 11](file:///h%3A%5Chj%20archive%5C2012%5C02-22-12.docx))

 2/22/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 11](file:///h%3A%5Chj%20archive%5C2012%5C02-22-12.docx))

 4/26/2012 House Recalled from Committee on **Judiciary** ([House Journal‑page 67](file:///h%3A%5Chj%20archive%5C2012%5C04-26-12.docx))

 5/1/2012 House Read second time ([House Journal‑page 40](file:///h%3A%5Chj%20archive%5C2012%5C05-01-12.docx))

 5/1/2012 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 40](file:///h%3A%5Chj%20archive%5C2012%5C05-01-12.docx))

 5/2/2012 House Read third time and sent to Senate ([House Journal‑page 8](file:///h%3A%5Chj%20archive%5C2012%5C05-02-12.docx))

 5/2/2012 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C05-02-12.docx))

 5/2/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C05-02-12.docx))

 5/4/2012 Senate Referred to Subcommittee: Cleary (ch), Ford, S.Martin, Gregory

 5/30/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C05-30-12.docx))

 5/31/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 Senate Read second time ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 5/31/2012 Senate Roll call Ayes‑35 Nays‑0 ([Senate Journal‑page 58](file:///h%3A%5Csj%20archive%5C2012%5C05-31-12.docx))

 6/5/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 47](file:///h%3A%5Csj%20archive%5C2012%5C06-05-12.docx))

 6/7/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 19](file:///h%3A%5Chj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 House Roll call Yeas‑89 Nays‑0 ([House Journal‑page 19](file:///h%3A%5Chj%20archive%5C2012%5C06-07-12.docx))

 6/12/2012 Ratified R 308

 6/18/2012 Signed By Governor

 6/25/2012 Effective date 06/18/12

 6/27/2012 Act No. 263

**VERSIONS OF THIS BILL**

[2/22/2012](file:///p%3A%5Cpprever%5C2011-12%5C4798_20120222.docx)

[4/26/2012](file:///p%3A%5Cpprever%5C2011-12%5C4798_20120426.docx)

[5/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C4798_20120530.docx)

[5/31/2012](file:///p%3A%5Cpprever%5C2011-12%5C4798_20120531.docx)

(A263, R308, H4798)

**AN ACT TO AMEND SECTION 5‑7‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRIAL OF A PERSON IN A MUNICIPAL COURT, SO AS TO NO LONGER PROVIDE THAT A MAYOR MAY CONDUCT A MUNICIPAL TRIAL, TO PROVIDE THAT A MUNICIPAL JUDGE MUST CONDUCT A SPEEDY TRIAL OF PERSONS ARRESTED AND INCARCERATED, AND TO REVISE THE PERIOD OF TIME THAT A PERSON MUST BE TRIED AFTER THE DATE OF HIS ARREST.**

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

**Municipal court**

SECTION 1. Section 5‑7‑90 of the 1976 Code is amended to read:

 “Section 5‑7‑90. The municipal judge or judges of a municipality shall speedily try all persons arrested and incarcerated with violations of the ordinances of the municipality or the laws of the State within their jurisdiction in a summary manner without a jury unless jury trial is demanded by the accused. Trial must be held within ten days after the arrest or at a time scheduled by the court, in which event the trial is deferred. The municipal judge shall have the same power as a magistrate to compel the attendance of witnesses and require them to give evidence upon the trial before them of any person for the violation of ordinances of the municipality or the laws of this State subject to Section 5‑7‑30.”

**Time effective**

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

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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