**South Carolina General Assembly**

120th Session, 2013-2014

**A241, R268, S176**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Young

Document Path: l:\s-res\try\010moti.hm.try.docx

Companion/Similar bill(s): 3076

Introduced in the Senate on January 8, 2013

Introduced in the House on April 9, 2013

Last Amended on May 29, 2014

Passed by the General Assembly on June 3, 2014

Governor's Action: June 6, 2014, Signed

Summary: Magistrate courts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 111](file:///H:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 111](file:///H:\SJ%20Archive\2013\01-08-13.docx))

3/8/2013 Senate Referred to Subcommittee: S.Martin (ch), McElveen, Young

3/20/2013 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 11](file:///H:\SJ%20Archive\2013\03-20-13.docx))

3/21/2013 Senate Read second time ([Senate Journal‑page 30](file:///H:\SJ%20Archive\2013\03-21-13.docx))

3/21/2013 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 30](file:///H:\SJ%20Archive\2013\03-21-13.docx))

3/21/2013 Scrivener's error corrected

4/9/2013 Senate Read third time and sent to House ([Senate Journal‑page 16](file:///H:\SJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Introduced and read first time ([House Journal‑page 54](file:///H:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 54](file:///H:\HJ%20Archive\2013\04-09-13.docx))

5/14/2014 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](file:///H:\HJ%20Archive\2014\05-14-14.docx))

5/20/2014 House Amended ([House Journal‑page 59](file:///H:\HJ%20Archive\2014\05-20-14.docx))

5/20/2014 House Read second time ([House Journal‑page 59](file:///H:\HJ%20Archive\2014\05-20-14.docx))

5/20/2014 House Roll call Yeas‑91 Nays‑16 ([House Journal‑page 59](file:///H:\HJ%20Archive\2014\05-20-14.docx))

5/21/2014 House Reconsidered ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\05-21-14.docx))

5/21/2014 House Debate adjourned until Thur., 5‑12‑14 ([House Journal‑page 108](file:///H:\HJ%20Archive\2014\05-21-14.docx))

5/22/2014 House Amended ([House Journal‑page 14](file:///H:\HJ%20Archive\2014\05-22-14.docx))

5/22/2014 House Read second time ([House Journal‑page 14](file:///H:\HJ%20Archive\2014\05-22-14.docx))

5/22/2014 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 15](file:///H:\HJ%20Archive\2014\05-22-14.docx))

5/22/2014 House Unanimous consent for third reading on next legislative day ([House Journal‑page 16](file:///H:\HJ%20Archive\2014\05-22-14.docx))

5/23/2014 House Read third time and returned to Senate with amendments ([House Journal‑page 2](file:///H:\HJ%20Archive\2014\05-23-14.docx))

5/29/2014 Senate House amendment amended ([Senate Journal‑page 101](file:///H:\SJ%20Archive\2014\05-29-14.docx))

5/29/2014 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 101](file:///H:\SJ%20Archive\2014\05-29-14.docx))

5/29/2014 Senate Returned to House with amendments ([Senate Journal‑page 101](file:///H:\SJ%20Archive\2014\05-29-14.docx))

5/30/2014 Scrivener's error corrected

6/3/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 76](file:///H:\HJ%20Archive\2014\06-03-14.docx))

6/3/2014 House Roll call Yeas‑98 Nays‑0 ([House Journal‑page 76](file:///H:\HJ%20Archive\2014\06-03-14.docx))

6/5/2014 Ratified R 268

6/6/2014 Signed By Governor

6/13/2014 Effective date 06/06/14

6/16/2014 Act No. 241

**VERSIONS OF THIS BILL**

[1/8/2013](file:///p:\pprever\2013-14\176_20130108.docx)

[3/20/2013](file:///p:\pprever\2013-14\176_20130320.docx)

[3/21/2013](file:///p:\pprever\2013-14\176_20130321.docx)

[5/14/2014](file:///p:\pprever\2013-14\176_20140514.docx)

[5/20/2014](file:///p:\pprever\2013-14\176_20140520.docx)

[5/22/2014](file:///p:\pprever\2013-14\176_20140522.docx)

[5/29/2014](file:///p:\pprever\2013-14\176_20140529.docx)

[5/30/2014](file:///p:\pprever\2013-14\176_20140530.docx)

(A241, R268, S176)

**AN ACT TO AMEND SECTION 22‑3‑1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS, AND TO PROVIDE AN EXCEPTION FOR MOTIONS FOR A NEW TRIAL MADE UNDER CHAPTERS 37 AND 40, TITLE 27.**

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

**Motion for a new trial, time period increased, exception**

SECTION 1. Section 22‑3‑1000 of the 1976 Code is amended to read:

“Section 22‑3‑1000. (A) Except as provided in subsection (B), a motion for a new trial may not be heard unless made within ten days from the rendering of the judgment. The right of appeal from the judgment exists for thirty days after the rendering of the judgment. A magistrate’s order of restitution may be appealed within thirty days. The order of restitution may be appealed separately from an appeal relating to the conviction.

(B) The provisions of subsection (A) do not apply to a motion for a new trial made under Chapters 37 and 40, Title 27. A motion for a new trial made under Chapters 37 and 40, Title 27 must be requested within five days from the rendering of the judgment.”

**Savings clause**

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.

**Time effective**

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

Ratified the 5th day of June, 2014.

Approved the 6th day of June, 2014.

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