**South Carolina General Assembly**

120th Session, 2013-2014

**S. 38**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 8, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Conditions for release on bail

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 45](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 45](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\38_20121213.docx)

**A** **BILL**

TO AMEND SECTION 17‑15‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL, AND IS SUBSEQUENTLY CHARGED WITH A VIOLENT OFFENSE, SHALL BE DENIED BAIL WHEN THE PROSECUTOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT NO CONDITION OR COMBINATION OF CONDITIONS REASONABLY ASSURES THE SAFETY OF ANY OTHER PERSON OR THE SAFETY OF THE COMMUNITY IF THE PERSON IS RELEASED, AND TO REQUIRE THE COURT TO CONSIDER THE SOURCE OF FUNDS TO POST BAIL AS IT RELATES TO NONAPPEARANCE.

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

SECTION 1. Section 17‑15‑30 of the 1976 Code, as last amended by Act 286 of 2012, is further amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, a court may, on the basis of available information, consider the nature and circumstances of an offense charged and an accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court shall consider, if available:

(1) an accused’s criminal record;

(2) any charges pending against an accused at the time release is requested;

(3) all incident reports generated as a result of an offense charged; ~~and~~

(4) whether an accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; and

(5) the source of funds used to post bail insofar as it affects the risk of nonappearance.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information, if available:

(a) the accused’s criminal record;

(b) any charges pending against the accused at the time release is requested;

(c) all incident reports generated as a result of the offense charged; and

(d) any other information that will assist the court in determining conditions of release.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person’s hearing.

(D) If a person has previously been released on bail pending trial and during his release is charged with a violent offense as defined by Section 16-1-60, and the court finds, by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the appearance of the person as required or the safety of any person and the community, then the court shall deny release of the person pending trial.

~~(D)~~(E) A court hearing these matters has contempt powers to enforce the provisions of this section.”

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

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