**A** **BILL**

TO AMEND SECTION 14‑7‑1550, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF A COUNTY GRAND JURY FOREMAN TO SWEAR WITNESSES AND OBTAIN ATTENDANCE OF WITNESSES, SO AS TO PROHIBIT THE USE OF THIRD PARTY SUMMARY, HEARSAY EVIDENCE AS THE SOLE EVIDENCE PRESENTED TO THE COUNTY GRAND JURY FOR INDICTMENT, TO REQUIRE THE PRESENTMENT TO THE COUNTY GRAND JURY OF MATERIAL EVIDENCE, AND TO REQUIRE THE COUNTY GRAND JURY FOREMAN TO NOTE ALL EVIDENCE CONSIDERED BY THE COUNTY GRAND JURY IN THE RECORD; AND BY ADDING SECTION 14‑7‑1555 SO AS TO REQUIRE A RECORD OF TESTIMONY AND OTHER PROCEEDINGS OF THE COUNTY GRAND JURY, TO PROVIDE THAT THE TRANSCRIPT, REPORTER’S NOTES, RECORD, AND ALL OTHER DOCUMENTS REMAIN IN THE CUSTODY AND CONTROL OF THE COUNTY CLERK OF COURT, AND TO PROVIDE FOR THE RELEASE OF THE RECORD UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 14‑7‑1550 of the 1976 Code is amended to read:

“Section 14‑7‑1550. (A) The foreman of the grand jury or acting foreman in the circuit courts of any county of the State may swear the witnesses whose names shall appear on the bill of indictment in the grand jury room. No witnesses shall be sworn except those who have been listed on the bill of indictment, bound over or subpoenaed in the manner provided by law. In order to obtain attendance of any witness, the grand jury may proceed as provided by the South Carolina Rules of Civil Procedure and Sections 19‑9‑10 through 19‑9‑130.

(B) No indictment may be true billed if the only evidence presented by the State is summary, hearsay evidence presented by a law enforcement officer or other officer of the State who has not been personally involved in the investigation of the alleged offense.

(C) When the State has material documentary, physical, or electronic evidence that has been relied upon in the decision to seek the indictment, that evidence must be presented to the grand jury during the presentment.

(D) The grand jury foreman, or acting foreman, shall require any witness testifying before the grand jury to note their name for the record prior to swearing the witness and shall note, or require the witness to note, for the record any documentary, physical, or electronic evidence presented to the grand jury.”

SECTION 2. Article 13, Chapter 7, Title 14 of the 1976 Code is amended by adding:

“Section 14‑7‑1555. A county grand jury convened pursuant to the provisions of this article shall have a record, either stenographically or by use of an electronic recording device, of all proceedings except when a grand jury is deliberating or voting. An unintentional failure of any recording to reproduce all or any portion of the testimony of the proceedings does not affect the validity of the prosecution. The recording or reporter’s notes or any transcript prepared therefrom and all books, papers, records, correspondence, or other documents produced before a county grand jury must remain in the custody and control of the county clerk of court or his designee unless otherwise ordered by the court in a particular case. The court, in its discretion, may order release of the record, whether the transcript or electronic recording, as appropriate, and pursuant to the provisions of this section, upon a showing by the moving party that it is in the interest of justice to release it.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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