**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4283**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Murphy, G.M. Smith, Lucas, Stavrinakis, Bannister, W. Newton, Jordan, J.E. Johnson, Bernstein, Caskey, Finlay, Kimmons, Wetmore, Gatch and Brittain

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Introduced in the House on April 28, 2021

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

Summary: Judicial Emergencies Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/28/2021 House Introduced and read first time ([House Journal‑page 74](file:///h:\hj\20210428.docx))

4/28/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 74](file:///h:\hj\20210428.docx))

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**VERSIONS OF THIS BILL**

[4/28/2021](file:///p:\pprever\2021-22\4283_20210428.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JUDICIAL EMERGENCIES ACT” BY ADDING CHAPTER 33 TO TITLE 14 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CIRCUMSTANCES IN WHICH JUDICIAL EMERGENCIES MAY BE DECLARED AND THE MANNER OF SCOPE OF SUCH DECLARATIONS, TO PROVIDE RELATED PROCEDURES, AND TO PROVIDE A RELATED APPEALS PROCESS.

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

SECTION 1. This act must be known and may be cited as the “Judicial Emergencies Act”.

SECTION 2. Title 14 of the 1976 Code is amended by adding:

“CHAPTER 33

Judicial Emergencies

Section 14‑33‑120. (A) The Supreme Court of South Carolina may declare the existence of a judicial emergency in response to:

(1) a state of emergency declared by the Governor pursuant to Section 1‑3‑420 and Section 25‑1‑440;

(2) a public health emergency declared by Department of Health and Environmental Control (DHEC) pursuant to Chapter 4, Title 44;

(3) a state of emergency declared by a political subdivision of this State; and

(4) any other serious emergency determined by the Supreme Court to substantially endanger or infringe upon the:

(a) normal functioning of the judicial system;

(b) ability of persons to avail themselves of the judicial system; or

(c) ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule, statute, or regulation.

(B) The Supreme Court may declare the existence of a judicial emergency by order either upon their own motion or upon motion by any interested person. The order must state the:

(1) time, date, and place at which the order is executed;

(2) jurisdiction or jurisdictions affected by the order;

(3) nature of the emergency necessitating the order; and

(4) period or duration of the judicial emergency.

(C) An order declaring the existence of a judicial emergency must be limited to an initial duration of no more than fifteen days; provided, however, that the order may be modified or extended two additional periods of fifteen days each, unless a public health emergency declared by DHEC exists, in which case the Supreme Court may extend the emergency order for the duration of the public health emergency. Any modification or extension of the initial order must require information regarding the same matters set forth in subsection (A) for the issuance of the initial order. If the initial order is extended for a total of six months due to a public health emergency, the court must issue a new order following a review.

(D) In the event the circumstances underlying the judicial emergency make access to the office of a clerk of court or a courthouse impossible or impractical, the order declaring the judicial emergency shall designate another facility, which is reasonably accessible and appropriate for the conduct of court business and within the same judicial circuit as the original facility.

Section 14‑33‑130. (A) In an order declaring a judicial emergency or in an order modifying or extending a judicial emergency order, the Supreme Court may suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil cases, criminal cases, or administrative matters, including, but not limited to:

(1) a statute of limitation;

(2) a statute of repose;

(3) the time within which to issue a warrant;

(4) the time within which to try a case for which a demand for speedy trial has been filed;

(5) the time within which to hold a commitment hearing;

(6) a deadline or other schedule regarding the detention of a juvenile;

(7) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury;

(8) the time within which to file a writ of habeas corpus;

(9) the time within which discovery or any aspect thereof is to be completed;

(10) the time within which to serve a party;

(11) the time within which to appeal or to file a notice of appeal of any order, ruling, or other determination; and

(12) such other legal proceedings as determined to be necessary by the Supreme Court.

(B) The provisions of this section do not authorize the Supreme Court to provide any relief from requirements of the United States Constitution or the South Carolina Constitution.

(C) Upon the expiration of the judicial emergency, the court, by order, may suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil cases, criminal cases, or administrative matters including, but not limited, to items listed in subsection (A) arising in close proximity to the expiration of the judicial emergency.

Section 14‑33‑140. Upon issuing an order declaring the existence of a judicial emergency, or any modification or extension of such an order, the Supreme Court shall:

(1) notify and serve a copy of the order, modification, or extension on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Court of Appeals and the Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

(2) give notice of the issuance of the order, modification, or extension to the affected parties, counsel for the affected parties, and the public. The Supreme Court shall provide this notice by whatever means are reasonably calculated to reach the affected parties, counsel for the affected parties, and the public and may, without limitation, include:

(a) mailing;

(b) publication in a newspaper of local or statewide distribution;

(c) posting of written notices at courthouses and other public gathering sites;

(d) transmittal by facsimile or email; and

(e) announcements on television, radio, and public address systems.

Section 14‑33‑150. A person whose rights or interests are adversely affected by an order declaring the existence of a judicial emergency or a modification or extension of such an order is entitled to appeal.”

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

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