**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3641**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

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Companion/Similar bill(s): 1151

Introduced in the House on March 3, 2009

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

Summary: Criminal domestic violence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/3/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-03-09.docx)‑3

3/3/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\03-03-09.docx)‑3

**VERSIONS OF THIS BILL**

[3/3/2009](file:///p:\pprever\2009-10\3641_20090303.docx)

**A** **BILL**

TO AMEND SECTION 16‑25‑70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAW ENFORCEMENT’S AUTHORITY AND RESPONSIBILITIES WITH REGARD TO ARRESTS IN AND INVESTIGATIONS OF CRIMINAL DOMESTIC VIOLENCE, SO AS TO REQUIRE THE INVESTIGATING AGENCY TO DOCUMENT THE INVESTIGATION AND TO MAINTAIN THE INVESTIGATION REPORT.

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

SECTION 1. Section 16‑25‑70(A) of the 1976 Code, as last amended by Act 319 of 2008, is further amended to read:

“(A) A law enforcement officer may arrest, with or without a warrant, a person at the person’s place of residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony pursuant to the provisions of Section 16‑25‑20(A) or (E), 16‑25‑65, or 16‑25‑125 even if the act did not take place in the presence of the officer. The officer may, if necessary, verify the existence of probable cause related to a violation pursuant to the provisions of this chapter by telephone or radio communication with the appropriate law enforcement agency. A law enforcement agency must complete an investigation of an alleged violation of this chapter even if the law enforcement agency was not notified at the time the alleged violation occurred. The investigation must be documented on an incident report form which must be maintained by the investigating agency. If an arrest warrant is sought, the law enforcement agency must present the results of the investigation and any other relevant evidence to a magistrate who may issue an arrest warrant if probable cause is established.”

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

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