**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3642**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

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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\3642_20090303.docx)

**A** **BILL**

TO AMEND SECTION 16‑25‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES, PENALATIES, AND PROSECUTION, SO AS TO PROVIDE THAT A JUDGE MAY PROCEED WITH THE PROSECUTION OF A CASE IF THE VICTIM IS NOT PRESENT AND TO PROVIDE THAT BEFORE DISMISSING A CASE, THE JUDGE SHALL MAKE WRITTEN FINDINGS AS TO WHETHER THE PROSECUTING OFFICIAL IS PREPARED TO PROSECUTE THE CASE AND THE TYPE OF EVIDENCE THAT WILL BE PRESENTED.

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

SECTION 1. 16‑25‑20(E) of the 1976 Code, as last amended by Act 255 of 2008, is further amended to read:

“(E)(1) Unless the complaint is voluntarily dismissed or the charge is dropped prior to the scheduled trial date, a person charged with a violation provided in this chapter must appear before a judge for disposition of the case. However, a judge may proceed with the prosecution of a case without the victim present.

(2) Prior to dismissing a case brought for a violation provided for in this chapter, the judge shall inquire and make written findings as to whether the prosecuting official is ready to proceed with the trial of the case and what type of evidence, including, but not limited to, physical, testimonial, or documentary evidence, the prosecution is prepared to present.”

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

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