**South Carolina General Assembly**

118th Session, 2009-2010

**S. 6**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McConnell, Campsen, Rose, Elliott, Lourie and Bright

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Introduced in the Senate on January 13, 2009

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

Summary: Conditions for release

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑74

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑74

3/12/2009 Senate Referred to Subcommittee: Malloy (ch), Ford, Knotts, Rankin, Cleary

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\6_20081210.docx)

**A** **BILL**

TO AMEND SECTION 17‑15‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS 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 AMEND SECTION 22‑5‑510, RELATING TO BOND HEARINGS IN MAGISTRATES COURTS, SO AS TO REQUIRE THAT PENDING CHARGES AGAINST A PERSON REQUESTING BAIL SHALL BE CONSIDERED BY THE MAGISTRATE IN DETERMINING IF BAIL IS GRANTED OR DENIED.

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

SECTION 1. Section 17‑15‑30 of the 1976 Code is 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 any other person or the community, the court may, on the basis of available information, consider the nature and circumstances of the offense charged, the accused’s family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) The court shall consider:

(1) the accused’s criminal record, if any, including, but not limited to, any charges pending against the accused at the time release is requested;

(2) ~~The court shall consider, if available,~~ all incident reports generated as a result of the offense charged, if available; and

(3) whether the accused is not lawfully present in the United States in violation of the Federal Immigration and Nationality Act or another federal law relating to illegal immigration and poses a substantial flight risk due to this status.

(C) 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 other person and the community, then the court shall deny release of the person pending trial.”

SECTION 2. Section 22‑5‑510 of the 1976 Code is amended to read:

“Section 22‑5‑510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event, including, but not limited to, any charges pending against the person requesting bail. ‘Violent offenses’ as used in this section means the offenses contained in Section 16‑1‑60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty‑four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.”

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

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