~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2010

**H. 4215**

Introduced by Reps. Harrison, McLeod and Weeks

S. Printed 5/19/10--S.

Read the first time April 29, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4215) to amend Section 18‑3‑30, Code of Laws of South Carolina, 1976, relating to the appeal of a decision of a magistrate, so as to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, Section 18-3-30(A), SECTION 1, by striking lines 25-29 and inserting the following:

/ “Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall file the notice of appeal with the clerk of court and shall serve notice of appeal upon the magistrate who tried the case and upon the officer or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded. /

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

This is a procedural change and there is no fiscal impact on local governments with the adoption of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 18‑3‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

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

SECTION 1. Section 18‑3‑30 of the 1976 Code is amended to read:

“Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall serve notice of appeal upon the magistrate who tried the case, and upon the officer or attorney who prosecuted the charge stating the grounds upon which the appeal is founded.

(B) ~~Any~~ A person convicted in ~~a magistrate’s~~ magistrates court who pays a fine assessed by the court does not ~~thereby~~ waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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