**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1315**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

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Introduced in the Senate on March 7, 2012

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

Summary: Orders of protection

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/7/2012 Senate Introduced and read first time

3/7/2012 Senate Referred to Committee on **Judiciary**

3/13/2012 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

**VERSIONS OF THIS BILL**

[3/7/2012](file:///p:\pprever\2011-12\1315_20120307.docx)

**A** **BILL**

TO AMEND SECTION 20‑4‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ORDERS OF PROTECTION, SO AS TO PROVIDE THE PROCEDURES PERSONS SHALL FOLLOW WHEN PETITIONING FOR MUTUAL ORDERS OF PROTECTION AND THE PROCEDURES COURTS SHALL FOLLOW WHEN REVIEWING SUCH PETITIONS AND ISSUING SUCH ORDERS.

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

SECTION 1. Section 20‑4‑60(E) of the 1976 Code is amended to read:

“(E)(1) ~~No mutual order of protection may be granted unless the court sets forth findings of fact necessitating the mutual order or unless both parties consent to a mutual order~~ Mutual orders of protection must not be granted by a court unless both parties independently file timely petitions seeking protection from abuse and each party provides reasonable notice to the other party. Each petition must comply with the provisions for obtaining an order of protection from domestic abuse as set forth in Chapter 4, Title 20, including preserving the right of due process for all parties.

(2) The court shall review each petition for orders of protection separately in individual hearings or in a consolidated hearing and shall grant or deny each petition separately on each petition’s individual merits.

(3) In order for a court to issue mutual orders of protection there must be a finding of fact for both parties that:

(a) abuse, as defined in Section 20‑4‑20(a), occurred between the parties who filed the petitions;

(b) there was no primary aggressor; and

(c) neither party acted primarily in self defense.

(4) If the court issues mutual orders of protection, the court shall justify the circumstances necessitating each order and shall document those circumstances in the case files for both parties. If the court issues orders for both parties, the court shall do so by issuing two distinct and separate orders in two separate documents with specific findings justifying the issuance of each order and reflecting the appropriate conditions for each party. Two orders must not be issued under the same case number against the party petitioning for the order.”

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

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