**South Carolina General Assembly**

119th Session, 2011-2012

**H. 5053**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bannister

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Introduced in the House on March 21, 2012

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

Summary: Bail bond forfeiture

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/21/2012 House Introduced and read first time ([House Journal‑page 62](file:///h:\hj%20archive\2012\03-21-12.docx))

3/21/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 62](file:///h:\hj%20archive\2012\03-21-12.docx))

**VERSIONS OF THIS BILL**

[3/21/2012](file:///p:\pprever\2011-12\5053_20120321.docx)

**A** **BILL**

TO AMEND SECTION 38‑53‑70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FORFEITURE OF A BAIL BOND FOR A DEFENDANT WHEN HE FAILS TO APPEAR AT A RELATED HEARING TO WHICH HE HAS BEEN SUMMONED, SO AS TO PROVIDE THAT WHEN THE FORFEITURE OCCURS, THE COURT SHALL ENTER REQUISITE INFORMATION ABOUT THE DEFENDANT INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE, TO PROVIDE THE CLERK OF COURT SHALL SEND TRUE COPIES OF THE BENCH WARRANT TO THE SURETY COMPANY AND BAIL BONDSMAN WITHIN SEVEN DAYS AFTER THE BENCH WARRANT IS ISSUED, AND TO PROVIDE THE BOND MUST NOT BE FORFEITED AND THE SURETY MUST BE RELIEVED OF ALL LIABILITY IF THE STATE OF SOUTH CAROLINA REFUSES TO REQUEST EXTRADITION OF THE DEFENDANT IF THE DEFENDANT IS IN A JURISDICTION OUTSIDE OF THIS STATE.

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

SECTION 1. Section 38‑53‑70 of the 1976 Code, as last amended by Act 346 of 2008, is further amended to read:

“Section 38‑53‑70. If a defendant fails to appear at a court proceeding to which he has been summoned, the court shall issue a bench warrant for the defendant and the court shall enter requisite information about the defendant in the National Crime Information Center Database (NCIC). The court shall ~~make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy of the bench warrant within seven days of its issuance at the clerk of court’s office~~ send true copies, by certified mail, of the bench warrant to the surety company and bail bondsman within seven days after the bench warrant is issued. If the surety fails to surrender the defendant or place a hold on the defendant’s release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. The bond must not be forfeited and the surety must be relieved of all liability if the State refuses to request extradition of the defendant if he is in a jurisdiction outside of this State. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant’s trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.”

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

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