~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2011

**H. 4088**

Introduced by Reps. Ott, Brantley, Hardwick, Cobb‑Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J.H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J.M. Neal and Toole

S. Printed 5/26/11--H. [SEC 5/27/11 12:37 PM]

Read the first time April 13, 2011.

**A** **BILL**

TO AMEND SECTION 14‑1‑207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADDITIONAL ASSESSMENT FOR OFFENSES TRIED IN MAGISTRATES COURT, SO AS TO ADD VIOLATIONS OF TITLE 50 TO THE OFFENSES EXEMPT FROM THE ADDITIONAL ASSESSMENT.

Amend Title To Conform

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

SECTION 1. Section 14‑1‑207(A) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in magistrates court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the magistrate and deposited as required by Section 22‑1‑70 in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56‑3‑1970, 56‑5‑2510, and 56‑5‑2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons or for violations of Title 50 if the defendant pleads guilty or nolo contendere and pays the fine or forfeits bond for the offense.”

SECTION 2. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑240. (A) Notwithstanding a court rule or another provision of law, a magistrate may not commence a trial or another proceeding, or require an attorney to appear or be present in the court, on Saturday, Sunday, or after five o’clock on a weekday except in the case of an emergency.

(B) If a magistrate determines an emergency exists and court must be held:

(1) after five o’clock on a weekday, compensation for jurors must be no less than one hundred dollars per day and court personnel must be paid overtime; and

(2) on the weekend, compensation for jurors must be no less than one hundred fifty dollars per day and court personnel must be paid overtime.

(C) The provisions of subsection (A) do not apply to bond hearings.”

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

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