**South Carolina General Assembly**

120th Session, 2013-2014

**R94, H3342**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hart and King

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Introduced in the House on January 16, 2013

Introduced in the Senate on March 7, 2013

Last Amended on June 5, 2013

Passed by the General Assembly on June 6, 2013

Governor's Action: June 17, 2013, Vetoed

Legislative veto action(s): Veto sustained

Summary: Bench warrants for failure to appear

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2013 House Introduced and read first time ([House Journal‑page 12](file:///H:\HJ%20Archive\2013\01-16-13.docx))

1/16/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///H:\HJ%20Archive\2013\01-16-13.docx))

2/27/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 81](file:///H:\HJ%20Archive\2013\02-27-13.docx))

3/6/2013 House Member(s) request name added as sponsor: King

3/6/2013 House Amended ([House Journal‑page 54](file:///H:\HJ%20Archive\2013\03-06-13.docx))

3/6/2013 House Read second time ([House Journal‑page 54](file:///H:\HJ%20Archive\2013\03-06-13.docx))

3/6/2013 House Roll call Yeas‑116 Nays‑0 ([House Journal‑page 55](file:///H:\HJ%20Archive\2013\03-06-13.docx))

3/7/2013 House Read third time and sent to Senate ([House Journal‑page 22](file:///H:\HJ%20Archive\2013\03-07-13.docx))

3/7/2013 Senate Introduced and read first time ([Senate Journal‑page 11](file:///H:\SJ%20Archive\2013\03-07-13.docx))

3/7/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 11](file:///H:\SJ%20Archive\2013\03-07-13.docx))

4/12/2013 Senate Referred to Subcommittee: Hutto (ch), Corbin, Young

5/29/2013 Senate Committee report: Favorable with amendment **Judiciary**

6/4/2013 Senate Committee Amendment Adopted ([Senate Journal‑page 134](file:///H:\SJ%20Archive\2013\06-04-13.docx))

6/5/2013 Senate Amended ([Senate Journal‑page 39](file:///H:\SJ%20Archive\2013\06-05-13.docx))

6/5/2013 Senate Read second time ([Senate Journal‑page 39](file:///H:\SJ%20Archive\2013\06-05-13.docx))

6/5/2013 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 39](file:///H:\SJ%20Archive\2013\06-05-13.docx))

6/6/2013 Senate Read third time and returned to House with amendments ([Senate Journal‑page 175](file:///H:\SJ%20Archive\2013\06-06-13.docx))

6/6/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 79](file:///H:\HJ%20Archive\2013\06-06-13.docx))

6/6/2013 House Roll call Yeas‑81 Nays‑0 ([House Journal‑page 79](file:///H:\HJ%20Archive\2013\06-06-13.docx))

6/11/2013 Ratified R 94

6/17/2013 Vetoed by Governor

6/26/2013 House Debate adjourned on veto consideration

1/15/2014 House Debate adjourned on veto consideration until Wed., 1‑22‑14 ([House Journal‑page 41](file:///H:\HJ%20Archive\2014\01-15-14.docx))

1/22/2014 House Debate adjourned on veto consideration until Wed., 1‑23‑14 ([House Journal‑page 22](file:///H:\HJ%20Archive\2014\01-22-14.docx))

1/23/2014 House Veto sustained Yeas‑39 Nays‑67 ([House Journal‑page 17](file:///H:\HJ%20Archive\2014\01-23-14.docx))

**VERSIONS OF THIS BILL**

[1/16/2013](file:///p:\pprever\2013-14\3342_20130116.docx)

[2/27/2013](file:///p:\pprever\2013-14\3342_20130227.docx)

[3/6/2013](file:///p:\pprever\2013-14\3342_20130306.docx)

[5/29/2013](file:///p:\pprever\2013-14\3342_20130529.docx)

[6/4/2013](file:///p:\pprever\2013-14\3342_20130604.docx)

[6/5/2013](file:///p:\pprever\2013-14\3342_20130605.docx)

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(R94, H3342)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑175 SO AS TO PROVIDE THAT AFTER AN INITIAL APPEARANCE, A CIRCUIT COURT JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UPON MOTION BY A SOLICITOR UNLESS THE SOLICITOR HAS POSTED CERTAIN NOTICE BEFORE THE BENCH WARRANT IS ISSUED AND TO PROVIDE AN EXCEPTION.**

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

**Bench warrants for failure to appear, requirements**

SECTION 1. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑175. After an initial appearance, a circuit court judge may not issue a general sessions court bench warrant for failure to appear in court upon motion by a solicitor, unless the solicitor has conspicuously posted a list of potential bench warrants at the appropriate courthouse and on the solicitor’s Internet website at least forty‑eight hours before the bench warrant is requested. This section does not apply if the presiding judge sua sponte issues the bench warrant for failure to appear or the person has been personally served with an appearance date.”

**Savings clause**

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.

**Time effective**

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

Ratified the 11th day of June, 2013.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2013.

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*Governor*

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