COMMITTEE REPORT

May 29, 2013

**H. 3342**

Introduced by Reps. Hart and King

S. Printed 5/29/13--S.

Read the first time March 7, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3342) to amend the Code of Laws of South Carolina, 1976, by adding Section 17‑15‑175 so as to provide that a judge may not issue a bench warrant, 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, by striking SECTION 1 in its entirety and inserting:

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

“Section 17‑15‑175. After an initial appearance, a judge may not issue a bench warrant for failure to appear in court upon motion by the solicitor or other prosecuting entity, unless the solicitor or the party charged with administering the general sessions docket has provided notice to the attorney of record and the bond surety company, if applicable, at least seventy‑two hours before the bench warrant is issued. 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.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO 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:**

The Judicial Department indicates that this bill will have no fiscal impact on the General Fund of the State, or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑15‑175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR OR CLERK OF COURT HAS PROVIDED NOTICE TO THE ATTORNEY OF RECORD BEFORE ISSUING THE BENCH WARRANT.

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

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

“Section 17‑15‑175. A judge may not issue a bench warrant for failure to appear in court upon motion by the solicitor or other prosecuting entity, unless the solicitor or the party charged with administering the general sessions docket has provided notice to the attorney of record and the bond surety company, if applicable, at least seventy‑two hours before the bench warrant is issued. This section does not apply if the presiding judge *sua sponte* issues the bench warrant for failure to appear.”

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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