**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 119**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen and Hembree

Document Path: l:\council\bills\bh\7050ahb17.docx

Introduced in the Senate on January 10, 2017

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

Summary: Alteration, modification, or rescission of a court order

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 69](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 69](file:///h:\sj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=119&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\119_20161213.docx)

**A** **BILL**

TO AMEND SECTION 17‑25‑326, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALTERATION, MODIFICATION, OR RESCISSION OF A COURT ORDER, SO AS TO PROVIDE THAT A COURT SHALL NOT ALTER, MODIFY, OR RESCIND A DEFENDANT’S CRIMINAL SENTENCE, UNLESS THE COURT HAS HELD A HEARING ALLOWING THE DEFENDANT, ATTORNEY GENERAL OR SOLICITOR, AND THE VICTIM TO TESTIFY REGARDING THE DECISION TO ALTER, MODIFY, OR RESCIND THE SENTENCE.

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

SECTION 1. Section 17‑25‑326 of the 1976 Code is amended to read:

“Section 17‑25‑326. (A) ~~Any~~ A court order issued pursuant to ~~the provisions of~~ this article may be altered, modified, or rescinded upon the filing of a petition by the defendant, Attorney General, solicitor, or the victim for good and sufficient cause shown by a preponderance of the evidence.

(B) A court shall not alter, modify, or rescind a defendant’s criminal sentence, unless the court has held a hearing allowing the defendant, Attorney General or solicitor, and the victim to testify regarding the decision to alter, modify, or rescind the sentence. A court may deny a petition to alter, modify, or rescind a defendant’s criminal sentence without a hearing.”

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

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