**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3043**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Introduced in the House on January 10, 2023

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

Summary: Substantial Assistance to the State

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 49](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 49](h:\hj\20230110.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3043&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3043_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 17-25-65, relating to the Reduction of a sentence for substantial assistance to the State, so as to ADD THAT THE ATTORNEY GENERAL IS ALSO AUTHORIZED TO FILE A MOTION UNDER THE PROVISIONS OF THE SECTION.

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

SECTION 1. Section 17‑25‑65 of the S.C. Code is amended to read:

Section 17‑25‑65. (A) Upon the state’s motion made within one year of sentencing, the court may reduce a sentence if the defendant, after sentencing, provided:

(1) substantial assistance in investigating or prosecuting another person; or

(2) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

(B) Upon the state’s motion made more than one year after sentencing, the court may reduce a sentence if the defendant’s substantial assistance involved:

(1) information not known to the defendant until one year or more after sentencing;

(2) information provided by the defendant to the State within one year of sentencing, but which did not become useful to the State until more than one year after sentencing;

(3) information, the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing, and which was promptly provided to the State after its usefulness was reasonably apparent to the defendant; or

(4) aid to a Department of Corrections employee or volunteer who was in danger of being seriously injured or killed.

(C) A motion made pursuant to this provision shall must be filed by that circuit solicitor in the county where the defendant’s case arose or by the Attorney General. The State shall send a copy to the chief judge of the circuit within five days of filing. The chief judge or a circuit court judge currently assigned to that county shall have jurisdiction to hear and resolve the motion. Jurisdiction to resolve the motion is not limited to the original sentencing judge.

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

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