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CHAPTER 7

Compelling Attendance of Witnesses

**SECTIONS 19‑7‑10 to 19‑7‑40.** Repealed by 1985 Act No. 100, Section 2, eff July 1, 1985.

Editor’s Note

1985 Act No. 100, Sections 1 and 3, provide as follows:

“SECTION 1. Pursuant to Article V, Section 4A of the Constitution of this State, the Supreme Court of South Carolina has promulgated Rules of Civil Procedure governing practice and procedure in civil actions in the courts of this State, which rules were not disapproved by the General Assembly; and it is the intent of the General Assembly to repeal provisions of the 1976 Code of Laws of South Carolina, to be replaced by the Rules of Civil Procedure.”

“SECTION 3. In event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not repealed in this act, the provision of the rules shall control. However, neither the promulgation of the rules nor this act may be construed to affect the substantive legal rights of any party to any civil litigation in the courts of this State but shall affect only matters of practice and procedure.”

Former Sections 19‑7‑10 to 19‑7‑40 were derived from 1962 Code Sections 26‑201 to 26‑204; 1952 Code Sections 26‑201 to 26‑204; 1942 Code Sections 684, 685, 688, 689; 1932 Code Sections 684, 685, 688, 689; Civ. P. ‘22 Sections 700, 701, 704, 705; Civ. C. ‘12 Sections 3965, 3966, 3969, 3970; Civ. C. ‘02 Sections 2861, 2862, 2865, 2866; G. S. 2193, 2194, 2198, 2190; R. S. 2325, 2326, 2329, 2330; 1974 (58) 2025; 1945 (44) 15; 1794 (5) 249; 1785 (7) 219; 1755 (7) 219.

Former Section 19‑7‑10 was entitled “Clerks shall subpoena witnesses; what shall be in subpoena”.

Former Section 19‑7‑20 was entitled “Means by which witness in another county shall be subpoenaed”.

Former Section 19‑7‑30 was entitled “Fines for contempt and damages for failure to attend”.

Former Section 19‑7‑40 was entitled “Person refusing to give evidence or answer interogatories shall be jailed”.

**SECTION 19‑7‑50.** Means by which prisoners shall be brought into court as witnesses.

Whenever it shall be necessary to bring any prisoner into court as a witness in any case the presiding judge may order such prisoner to be brought into court, without the necessity of a writ of habeas corpus. And when the said prisoner shall have given his evidence the judge shall cause him to be remanded to the custody of the officer to whose keeping he shall have been originally committed.

HISTORY: 1962 Code Section 26‑205; 1952 Code Section 26‑205; 1942 Code Section 690; 1932 Code Section 690; Civ. P. ‘22 Section 706; Civ. C. ‘12 Section 3971; Civ. C. ‘02 Section 2867; G. S. 2201; R. S. 2331; 1808 (5) 571.

**SECTION 19‑7‑60.** Process to compel attendance of criminal defendant’s witnesses; sanctions for disobedience.

In all criminal prosecutions the accused shall have compulsory process for obtaining witnesses in his favor. The compulsory process shall be in misdemeanors a subpoena under the official signature of the clerk of the court or other judicial officer. Such subpoena or a copy thereof shall be served upon the witness a reasonable time before such witness is required to attend court. For any disobedience to such subpoena the court may punish for contempt.

HISTORY: 1962 Code Section 26‑206; 1952 Code Section 26‑206; 1942 Code Section 983; 1932 Code Section 983; Cr. P. ‘22 Section 74; Cr. C. ‘12 Section 71; Cr. C. ‘02 Section 45; G. S. 2638; R. S. 45; 1731 (3) 286; 1839 (11) 23; 1896 (22) 102.