**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1314**

**STATUS INFORMATION**

General Bill

Sponsors: Senator McConnell

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Introduced in the Senate on March 25, 2010

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

Summary: Circuit court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/25/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-25-10.docx)‑4

3/25/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-25-10.docx)‑4

4/6/2010 Senate Referred to Subcommittee: Knotts (ch), Massey, Coleman

**VERSIONS OF THIS BILL**

[3/25/2010](file:///p:\pprever\2009-10\1314_20100325.docx)

**A** **BILL**

TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

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 17‑15‑55. (A)(1) The circuit court shall consider motions regarding reconsideration of bond for general sessions offenses set by a summary court judge upon a motion filed with the clerk of court. Hearing of these motions must be scheduled by the solicitor. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant’s motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant’s prima facie showing of a material change in circumstance which relates to the factors set forth in Section 17‑15‑30, and which has arisen since the prior motion to reconsider. The chief judge shall schedule a hearing, or, if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstance. Information regarding the defendant’s guilt or innocence does not qualify as a change in circumstance for purposes of reconsidering bond absent consent of the solicitor.

(B)(1) Motions by the State to revoke or modify a defendant’s bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motion must be filed with the clerk of court, and a copy must be served on the chief judge, defense counsel, and bond surety, if any.

(2) If the State’s motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, or imminent danger to the defendant or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court or a designee, including a summary court judge, within forty‑eight hours of receiving service of the State’s motion. The chief judge shall order the solicitor to notify the defense counsel and bond surety of the time and date of the hearing, and the solicitor must provide proof that reasonable efforts were made to affect such notice. Upon notice by the State, the defense counsel and bond surety must make reasonable efforts to notify the defendant of the emergency hearing and secure the defendant’s presence at the hearing. The court may, in its discretion, proceed with the hearing despite the absence of the defendant, defense counsel, or bond surety. Upon receiving notice of the chief judge’s order for an emergency hearing, the bond surety may surrender the defendant to the county of jurisdiction’s detention center in accordance with Section 38‑53‑50(b). If an emergency bond hearing is held without the presence of the defendant or defense counsel, and bond is revoked, the judge having heard the matter, in his discretion, may conduct a hearing on the defendant’s motion to reconsider the revocation. Such defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.”

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

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