**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3244**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Delleney, G.M. Smith and Clemmons

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Introduced in the House on January 13, 2009

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

Summary: Attorney appointments

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑100

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑100

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\3244_20090113.docx)

**A** **BILL**

TO AMEND SECTION 14‑1‑235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF AN ATTORNEY IN A CIVIL ACTION, SO AS TO CLARIFY THAT THE PROHIBITION ON APPOINTMENT APPLIES TO CERTAIN POST‑CONVICTION RELIEF MATTERS AND ACTIONS PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT; AND TO AMEND SECTION 17‑27‑60, RELATING TO COURT COSTS AND EXPENSES FOR INDIGENTS, SO AS TO INCLUDE A REFERENCE TO THE PROHIBITION ON CIVIL APPOINTMENTS IN CERTAIN CASES.

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

SECTION 1. Section 14‑1‑235 of the 1976 Code, as added by Act 19 of 2003, is amended to read:

“Section 14‑1‑235. A judge, court, or court official shall not appoint an attorney to represent a party in a civil action ~~unless the authority to make the appointment is provided specifically by statute~~ including an action:

(1) for post‑conviction relief except in a capital case pursuant to Section 17‑27‑160; and

(2) pursuant to the Sexually Violent Predator Act as contained in Chapter 48, Title 44.”

SECTION 2. Section 17‑27‑60 of the 1976 Code is amended to read:

“Section 17‑27‑60. (A) If the applicant is unable to pay court costs and expenses of representation, including stenographic, printing and legal services, these costs and expenses ~~shall~~ must be made available to the applicant in the trial court, and on review, in amounts and to the extent funds are made available to indigent defendants by the General Assembly.

(B) The provisions of this section may not be construed to allow the court to appoint an attorney in a civil action except as provided by Section 14‑1‑235.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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