**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3490**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\ggs\22222ab09.docx

Introduced in the House on February 10, 2009

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

Summary: Bond hearings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-10-09.docx)‑13

2/10/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-10-09.docx)‑14

**VERSIONS OF THIS BILL**

[2/10/2009](file:///p:\pprever\2009-10\3490_20090210.docx)

**A** **BILL**

TO AMEND SECTION 22‑5‑510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BOND HEARINGS, SO AS TO PROVIDE A COUNTY MUST PROVIDE A BOND HEARING TO A PERSON CHARGED WITH A BAILABLE OFFENSE WITHIN TWENTY‑FOUR HOURS OF HIS ARREST, TO PROVIDE A COUNTY MUST RELEASE A PERSON CHARGED WITH A BAILABLE OFFENSE WITHIN A SPECIFIC TIME PERIOD DEPENDING ON THE TYPE OF BOND POSTED, AND TO PROVIDE A COUNTY SHALL PAY A PENALTY TO THE PUBLIC DEFENDER’S OFFICE FOR A VIOLATION OF THESE PROVISIONS AND MONTHLY SHALL NOTIFY THE DIRECTOR OF THE SOUTH CAROLINA OFFICE OF COURT ADMINISTRATION OF THE TOTAL VIOLATIONS THAT OCCURRED THE PREVIOUS MONTH.

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

SECTION 1. Section 22‑5‑510 of the 1976 Code is amended to read:

“Section 22‑5‑510. (A) ~~Magistrates~~ A magistrate may ~~admit to~~ grant bail to a person charged with an offense~~,~~ for which the punishment ~~of which~~ is not death or imprisonment for life; ~~provided, however~~ but, with respect to a violent ~~offenses~~ offense as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, ~~magistrates~~ a magistrate may deny bail giving due weight to the evidence and ~~to~~ the nature and circumstances of the event. A ‘violent ~~offenses~~ offense’ as used in this section means ~~the offenses~~ an offense contained in Section 16‑1‑60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall ~~take~~ grant bail to a person on their own recognizance with sufficient surety, if ~~it is~~ offered.~~, in default whereof the person must be incarcerated.~~ A magistrate shall incarcerate a person who is granted bail and defaults.

(B) A person charged with a bailable offense must: ~~have~~

(1) receive a bond hearing within twenty‑four hours of his arrest; and ~~must~~

(2) be released from incarceration within ~~a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility~~two hours of posting a personal recognizance bond or within four hours of having his bond posted by another person.

(C) A county that fails to comply with subsection (B) must:

(1) pay a five thousand dollar penalty for a violation to the Office of the Public Defender for the circuit in which the county is located; and

(2) monthly notify the Director of South Carolina Court Administration of the total violations that occurred the previous month.”

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

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