**South Carolina General Assembly**

118th Session, 2009-2010

**S. 5**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators McConnell, Campsen, Elliott, Sheheen, Ford and Lourie

Document Path: l:\s-jud\bills\mcconnell\jud0019.kw.docx

Introduced in the Senate on January 13, 2009

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

Summary: Bail

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑74

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑74

3/12/2009 Senate Referred to Subcommittee: Malloy (ch), Ford, Knotts, Rankin, Cleary

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\5_20081210.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 15, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF BAIL, SO AS TO AUTHORIZE THE DENIAL OF BAIL TO A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL AND WHOSE BAIL IS REVOKED OR FORFEITED FOR VIOLATING A CONDITION OF RELEASE.

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

SECTION 1. It is proposed that Section 15, Article I of the Constitution of this State be amended to read:

“Section 15. All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. A person who, while released on bail pending trial, is accused in this State of a violent offense shall have bail revoked and denied pending trial if a judge during a hearing in this State determines by a preponderance of the evidence that the person violated a condition of release relating to the safety of the community or the safety of any other person*.* Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 15, Article I of the Constitution of this State be amended so as to provide that a person who, while released on bail pending trial, is accused of a violent offense shall be denied bail if a judge during a hearing in the State determines by a preponderance of the evidence that the person violated a condition of release relating to the safety of the community or the safety of any other person?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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