~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 18, 2009

**H. 3123**

Introduced by Reps. J.E. Smith, H.B. Brown, McLeod and Horne

S. Printed 2/18/09--H.

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3123) to amend Section 40‑5‑310, Code of Laws of South Carolina, 1976, relating to the prohibition against any person practicing or soliciting the cause of another person, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking Section 40-5-310, as contained in SECTION 1, page 1, and inserting:

/ Section 40‑5‑310. No person may either practice law or solicit the legal cause of another person ~~in a court of~~ or entity in this State unless he ~~has been~~ ~~admitted and sworn~~ is enrolled as ~~an attorney~~ a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The specific conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by decisions of the Supreme Court of South Carolina prior to any charge being filed. A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 40‑5‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

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

SECTION 1. Section 40‑5‑310 of the 1976 Code is amended to read:

“Section 40‑5‑310. No person may either practice law or solicit the legal cause of another person ~~in a court of~~ or entity in this State unless he has been ~~admitted and sworn~~ enrolled as ~~an attorney~~ a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The practice of law shall be defined by decisions of the Supreme Court of South Carolina prior to any charge being filed pursuant to this section. A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.”

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

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