**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4916**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCoy, Harrell and Tallon

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Introduced in the House on February 29, 2012

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

Summary: Motions regarding reconsideration of bond

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/29/2012 House Introduced and read first time ([House Journal‑page 113](file:///h:\hj%20archive\2012\02-29-12.docx))

2/29/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 113](file:///h:\hj%20archive\2012\02-29-12.docx))

**VERSIONS OF THIS BILL**

[2/29/2012](file:///p:\pprever\2011-12\4916_20120229.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 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 COURT 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 CIRCUMSTANCES; 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 FOR AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS WHEN IMMINENT DANGER IS SHOWN UNDER CERTAIN CIRCUMSTANCES.

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 court 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 circumstances 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 this 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 circumstances. Information regarding the defendant’s guilt or innocence does not qualify as a change in circumstances 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.

(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 the 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. 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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