~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 30, 2012

**H. 4798**

Introduced by Reps. McLeod and Bowers

S. Printed 5/30/12--S.

Read the first time May 2, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4798) to amend Section 5‑7‑90, Code of Laws of South Carolina, 1976, relating to the trial of a person in a municipal court, so as to, 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, page 1, by striking lines 23 through 34, in Section 5-7-90, as contained in SECTION 1, and inserting therein the following:

/ “Section 5‑7‑90. The ~~mayor or~~ municipal judge or judges of ~~any~~ a municipality shall speedily try all persons ~~charged~~ arrested and incarcerated with violations of the ordinances of the municipality or the laws of the State within their jurisdiction in a summary manner without a jury unless jury trial is demanded by the accused. Trial ~~shall~~ must be held within ~~seven~~ ten days after ~~such~~ the arrest or at ~~such~~ a time ~~as may be agreed upon~~ scheduled by the court, in which event the trial ~~shall be~~ is deferred. The ~~mayor or~~ municipal judge shall have the same power as a magistrate to compel the attendance of witnesses and require them to give evidence upon the trial before them of any person for the violation of ordinances of the municipality or the laws of this State subject to Section 5‑7‑30.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the State Budget Division has surveyed municipal members of the FIST Network. The responses will be forwarded upon receipt.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 5‑7‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRIAL OF A PERSON IN A MUNICIPAL COURT, SO AS TO REVISE THE PERIOD OF TIME A PERSON MUST BE TRIED AFTER THE DATE OF HIS ARREST.

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

SECTION 1. Section 5‑7‑90 of the 1976 Code is amended to read:

“Section 5‑7‑90. The mayor or municipal judge or judges of ~~any~~ a municipality shall speedily try all persons charged with violations of the ordinances of the municipality or the laws of the State within their jurisdiction in a summary manner without a jury unless jury trial is demanded by the accused. Trial ~~shall~~ must be held ~~within seven~~ no sooner than ten days after ~~such~~ the arrest or at ~~such~~ a time as may be agreed upon, in which event the trial ~~shall be~~ is deferred. The mayor or municipal judge shall have the same power as a magistrate to compel the attendance of witnesses and require them to give evidence upon the trial before them of any person for the violation of ordinances of the municipality or the laws of this State subject to Section 5‑7‑30.”

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

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