**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3188**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope and Tallon

Document Path: l:\council\bills\ms\7053ahb13.docx

Companion/Similar bill(s): 270

Introduced in the House on January 8, 2013

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

Summary: Preemptory challenges in criminal trials

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2012 House Prefiled

12/18/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 127](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 127](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/17/2013 House Member(s) request name added as sponsor: Tallon

**VERSIONS OF THIS BILL**

[12/18/2012](file:///p:\pprever\2013-14\3188_20121218.docx)

**A** **BILL**

TO AMEND SECTIONS 14‑7‑1110, AS AMENDED, AND 14‑7‑1120, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO PEREMPTORY CHALLENGES, SO AS TO EQUALIZE THE NUMBER OF PEREMPTORY CHALLENGES FOR THE DEFENDANT AND THE STATE IN A CRIMINAL CASE.

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

SECTION 1. Section 14‑7‑1110 of the 1976 Code, as last amended by Act 10 of 1987, is further amended to read:

“Section 14‑7‑1110. ~~Any~~ A person who is ~~arraigned~~ tried for ~~the crime of murder, manslaughter, burglary, arson, criminal sexual conduct, armed robbery, grand larceny, or breach of trust when it is punishable as for grand larceny, perjury, or forgery~~ a Class A, B, or C felony, or a crime that carries a maximum penalty of twenty years or more, is entitled to ten peremptory challenges ~~not exceeding ten~~, and the State ~~in these cases~~ is entitled to ten peremptory challenges ~~not exceeding five~~. ~~Any~~ A person who is ~~indicted~~ tried for ~~any~~ a crime ~~or offense~~ other than those enumerated above ~~has the right to~~ is entitled to five peremptory challenges ~~not exceeding five~~, and the State ~~in these cases~~ is entitled to five peremptory challenges ~~not exceeding five~~. ~~No right to stand aside jurors is allowed to the State in any case whatsoever.~~ ~~In no case where~~ When there is more than one defendant jointly tried ~~are~~ for a Class A, B, or C felony, or a crime that carries a maximum penalty of twenty years or more, no more than twenty peremptory challenges are allowed in all to the defendants, ~~and in misdemeanors when there is more than one defendant jointly tried no more than ten peremptory challenges are allowed in all to the defendants~~ and no more than twenty peremptory challenges are allowed to the State. In ~~felonies~~ all other cases when ~~there is~~ more than one defendant is jointly tried, no more than ten peremptory challenges are allowed in all to the defendants, and no more than ten peremptory challenges are allowed to the State ~~has ten challenges~~.”

SECTION 2. Section 14‑7‑1120 of the 1976 Code is amended to read:

“Section 14‑7‑1120. In criminal cases the prosecution is entitled to one and the defendant to ~~two~~ one peremptory ~~challenges~~ challenge for each alternate juror called ~~under~~ pursuant to the provisions of Section 14‑7‑320 and in civil cases, each party shall have one strike for each alternate juror.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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