**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-23-135 SO AS TO ALLOW A DEFENDANT TO ENTER A CONDITIONAL PLEA OF GUILTY OR NO CONTEST OR NOLO CONTENDERE RESERVING CERTAIN RIGHTS OF THE DEFENDANT TO WITHDRAW THE CONDITIONAL PLEA AND TO PROVIDE A PROCEDURE FOR THE ACCEPTANCE OF A CONDITIONAL PLEA AFTER A PLEA AGREEMENT HAS BEEN ACCEPTED WITH THE CONSENT OF THE SOLICITOR OR PROSECUTING ATTORNEY.

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

SECTION 1. Chapter 23, Title 17 of the 1976 Code is amended by adding:

“Section 17‑23‑135. (A) A defendant may enter a conditional plea of guilty or no contest or nolo contendere, upon reserving in writing prior to or at the time of his plea, the right to review of an adverse determination by the trial court of a:

(1) motion to suppress claiming the unlawful search or seizure of evidence;

(2) motion to suppress a custodial statement; or

(3) motion to dismiss on constitutional grounds.

A defendant who prevails on appeal is allowed to withdraw the conditional plea and a new trial must be granted except in cases when the charge is dismissed by the court.

(B) In the instant case, if a defendant has accepted a plea agreement offered by the State, a conditional plea may not be accepted by the court without the consent of the solicitor or other prosecuting attorney.”

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

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