**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4470**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts and Henderson‑Myers

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Introduced in the House on January 9, 2018

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

Summary: Indigent defense commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2017 House Prefiled

12/13/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 121](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 122](file:///h:\hj\20180109.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4470&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2017](file:///p:\pprever\2017-18\4470_20171213.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑7‑17 SO AS TO PROVIDE FOR THE CREATION OF A “YOUR RIGHTS UNDER SOUTH CAROLINA LAW” DOCUMENT TO BE DESIGNED AND APPROVED BY THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE, TO REQUIRE THE DOCUMENT TO BE ISSUED CONTEMPORANEOUSLY WITH A UNIFORM TRAFFIC TICKET, AND TO REQUIRE THAT A CHARGE BE DISMISSED IF AN ACCUSED CONTESTS THE UNIFORM TRAFFIC TICKET CHARGE IN COURT AND THE LAW ENFORCEMENT AGENCY IS UNABLE TO PRODUCE A “YOUR RIGHTS UNDER SOUTH CAROLINA LAW” DOCUMENT SIGNED BY THE ACCUSED OR SHOW THAT THE DEFENDANT REFUSED TO SIGN THE PROFFERED DOCUMENT.

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

SECTION 1. Chapter 7 of Title 56 of the 1976 Code is amended by adding:

“Section 56‑7‑17. (A) The ‘Your Rights Under South Carolina Law’ document shall be designed and approved by the South Carolina Commission on Indigent Defense for the purpose of ensuring that recipients of uniform traffic tickets have basic information on their legal rights with regard to disposition of a uniform traffic ticket. In addition to rights of the accused, the document will include a signature line, a date line, and a space for the corresponding uniform traffic ticket number. Within one hundred eighty days of the effective date of this act, the South Carolina Commission on Indigent Defense shall forward the approved document to the Department of Public Safety for printing and distribution to law enforcement agencies in the same manner as uniform traffic tickets pursuant to Section 56‑7‑30.

(B) A law enforcement officer issuing a uniform traffic ticket also must issue to the recipient of the ticket a copy of the ‘Your Rights Under South Carolina Law’ document contemporaneous with the issuance of the uniform traffic ticket. The law enforcement agency shall retain a duplicate copy of the ‘Your Rights Under South Carolina Law’ document signed by the recipient of the uniform traffic ticket to prove that the document was issued. If the recipient of the uniform traffic ticket refuses to sign the ‘Your Rights Under South Carolina Law’ document, the law enforcement officer shall attest to the refusal on the document before issuing it to the recipient. One copy of the ‘Your Rights Under South Carolina Law’ document must be issued with each uniform traffic ticket given.

(C) A law enforcement agency is not required to forward a duplicate copy of each signed ‘Your Rights Under South Carolina Law’ document to the Department of Motor Vehicles or the trial officer. However, if the accused contests the uniform traffic ticket charge in court and the law enforcement agency is not able to produce a ‘Your Rights Under South Carolina Law’ document signed by the recipient of the uniform traffic ticket, or by the issuing officer at the time of issuance attesting to the recipient’s refusal to sign, the charge must be dismissed.”

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

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