**A** **BILL**

TO AMEND SECTION 17‑15‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEPOSITS IN LIEU OF BOND DELIVERY, SO AS TO PROVIDE THAT A DEFENDANT OR ACCOMMODATION BONDSMAN MAY PLEDGE REAL ESTATE IN LIEU OF BOND DELIVERY.

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

SECTION 1. Section 17‑15‑15 of the 1976 Code is amended to read:

“Section 17‑15‑15. (A)(1) In lieu of requiring actual posting of bond as provided in subsection (A) of Section 17‑15‑10, the court setting bond may permit the defendant to deposit in cash with the clerk of court an amount not to exceed ten percent of the amount of bond set, which amount, when the defendant fulfills the condition of the bond, ~~shall~~ must be returned to the defendant by the clerk except as provided in ~~subsection (C)~~ item (3).

~~(B)~~(2) The cash deposit provided for in ~~subsection (A) shall~~ item (1) must be assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant and delivered to the clerk. After assignment and after the defendant fulfills the condition of his bond, the clerk shall return the cash deposit to the assignee thereof.

~~(C)~~(3)In the event the cash deposit is not assigned but the defendant is required by the court to make restitution to the victim of his crime, such deposit may be used for the purpose of such restitution.

(B)(1) In lieu of requiring actual posting of bond as provided in Section 17‑15‑10(A), the court setting bond may permit the defendant or an accommodation bondsman, as defined in Section 38-53-10(1), to pledge real estate with the clerk of court. The pledge must be released to the defendant or surety when the case reaches its final disposition.

(2) If a pledge of real estate is used in lieu of requiring actual posting of bond, the real estate is not required to be physically located in the particular municipality or county with jurisdiction over the offense charged so long as the real estate is located within the State.”

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

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