**South Carolina General Assembly**

124th Session, 2021-2022

**S. 191**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Companion/Similar bill(s): 78, 3928

Introduced in the Senate on January 12, 2021

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

Summary: Clerks and magistrates report to SLED case dispositions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 210](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 210](file:///h:\sj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=191&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\191_20201209.docx)

**A** **BILL**

TO AMEND SECTION 14‑17‑325, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLERKS OF COURT, SO AS TO REQUIRE THAT EVERY CLERK OF COURT SHALL REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CASE IN GENERAL SESSIONS COURT, AND TO REPORT WITHIN FORTY‑EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; BY ADDING SECTION 22‑1‑200 SO AS TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE, AND TO REPORT WITHIN FORTY‑EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; BY ADDING SECTION 14‑25‑250 SO AS TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE, AND TO REPORT WITHIN FORTY‑EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; AND BY ADDING SECTION 23‑1‑250 TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO REPORT TO SLED WITHIN TWENTY‑FOUR HOURS, THE FILING OF EACH ORDER OF PROTECTION, RESTRAINING ORDER, ANY ORDER OR REPORT RELATING TO AN INCIDENT OF DOMESTIC VIOLENCE, OR ANY INCIDENT IN WHICH A PERSON MAY BE PROHIBITED FROM OBTAINING OR POSSESSING A FIREARM BY STATE OR FEDERAL LAW.

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

SECTION 1. Section 14‑17‑325 of the 1976 Code is amended to read:

“Section 14‑17‑325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within ~~thirty~~ ten days of disposition, weekends and holidays excluded.

(B) The clerk of court shall report to the State Law Enforcement Division, within forty‑eight hours, the issuance of any:

(1) restraining orders;

(2) orders of protection;

(3) orders preventing a person from possessing a firearm;

(4) convictions related to or orders issued to prevent acts of domestic violence against another person;

(5) orders issued related to the stalking, intimidation, or harassment of another person; or

(6) orders for bond with any limitations listed in this section.

(C) The ~~disposition report~~ reports required by this section must be in a format approved by representatives of the State Law Enforcement Division and the office of court administration. With the approval of the State Law Enforcement Division and the office of court administration, this reporting requirement may be satisfied by use of General Sessions docket information transmitted to the office of ~~the~~ court administration.”

SECTION 2. Chapter 1, Title 22 of the 1976 Code is amended by adding:

“Section 22‑1‑200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within ten days, weekends and holidays excluded.

(B) Magistrates shall report to the State Law Enforcement Division, within forty‑eight hours, the issuance of any:

(1) restraining orders;

(2) orders of protection;

(3) orders preventing a person from possessing a firearm;

(4) convictions related to or orders issued to prevent acts of domestic violence against another person;

(5) orders issued or convictions related to, or to prevent, the stalking, intimidation, or harassment of another person; or

(6) orders for bond with any limitations listed in this section.

(C) The report must be made in a format approved by representatives of the State Law Enforcement Division and the office of court administration. With the approval of the State Law Enforcement Division and the office of court administration, this reporting requirement may be satisfied by use of docket information transmitted to the office of court administration.”

SECTION 3. Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14‑25‑250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within ten days, weekends and holidays excluded.

(B) A municipal judge shall report to the State Law Enforcement Division, within forty‑eight hours, the issuance of any:

(1) restraining orders;

(2) orders of protection;

(3) orders preventing a person from possessing a firearm;

(4) convictions related to or orders issued to prevent acts of domestic violence against another person;

(5) convictions related to or orders issued to prevent, the stalking, intimidation, or harassment of another person; or

(6) orders for bond with any limitations listed in this section.

(C) The report must be made in a format approved by representatives of the State Law Enforcement Division and the office of court administration. With the approval of the State Law Enforcement Division and the office of court administration, this reporting requirement may be satisfied by use of docket information transmitted to the office of court administration.”

SECTION 4. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑250. (A) Each law enforcement agency must report to the State Law Enforcement Division within twenty‑four hours:

(1) the filing of an order of protection, restraining order, or any order or report relating to an incident of domestic violence;

(2) any incident in which a person may be prohibited from obtaining or possessing a firearm by state or federal law.

(B) The report must be made in a format approved by representatives of the State Law Enforcement Division.”

SECTION 5. This act takes effect upon approval by the Governor.

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