**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3009**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb-Hunter

Document Path: LC-0006AHB23.docx

Introduced in the House on January 10, 2023

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

Summary: Right to counsel by defendents

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 39](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 39](h:\hj\20230110.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3009&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3009_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 17-23-60, relating to THE RIGHT TO COUNSEL BY DEFENDANTS, so as to PROVIDE THAT ALL DEFENDANTS IN THE SUMMARY COURTS OF THIS STATE FACING CRIMINAL CHARGES WITH THE POSSIBILITY OF IMPRISONMENT MUST BE INFORMED OF THEIR RIGHT TO COUNSEL, AND TO PROVIDE PROCEDURES FOR ENSURING DEFENDANTS ARE INFORMED OF THEIR RIGHT TO COUNSEL.

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

SECTION 1. Section 17-23-60 of the S.C. Code is amended to read:

Section 17-23-60. (A) Every person accused shall defendant, at his trial, must be allowed to be heard by counsel, may defend himself, and shall have has a right to produce witnesses and proofs in his favor and to meet the witnesses produced against him face to face.

(B) Every defendant in the summary courts of this State facing criminal charges that carry the possibility of imprisonment must be informed of their right to counsel and, if indigent, their right to court appointed counsel prior to proceeding with trial. Absent a waiver of counsel, or the appointment of counsel for an indigent defendant, summary court judges shall not impose a sentence of jail time or imprisonment, and are limited to imposing a penalty of a fine only for those defendants, if convicted. When imposing a fine, consideration should be given to a defendant’s ability to pay. If a fine is imposed, an unrepresented defendant should be advised of the amount of the fine and when the fine must be paid. The provisions of this subsection also apply to those defendants who fail to appear at trial and are tried in their absence.

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

‑‑‑‑XX‑‑‑‑