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CHAPTER 7

Juries and Jurors in Circuit Courts

ARTICLE 1

General Provisions

**SECTION 14‑7‑10.** Rules of construction.

 The rule of common law that statutes in derogation of that law are to be strictly construed has no application to any of the provisions of this chapter other than those of Article 13 hereof and Sections 14‑7‑840, 14‑7‑860, 14‑7‑1100 and 14‑7‑1110.

HISTORY: 1962 Code Section 38‑1; 1952 Code Section 38‑1; 1942 Code Section 902; 1932 Code Section 902; Civ. P. ‘22 Section 850; Civ. P. ‘12 Section 487; Civ. P. ‘02 Section 448; 1870 (14) Section 470.

**SECTION 14‑7‑20.** Words “male” and “men” to include “female” and “women”.

 Wherever the word “male” or “men” is used in the Code of Laws of South Carolina, 1976, relating to jurors and jury service such words shall include “female” and “women”.

HISTORY: 1962 Code Section 38‑1.1; 1967 (55) 895.

**SECTION 14‑7‑30.** “Clerk” defined.

 The word “clerk,” as used in this chapter signifies the clerk of the court where the action is pending, unless otherwise specified.

HISTORY: 1962 Code Section 38‑2; 1952 Code Section 38‑2; 1942 Code Section 900; 1932 Code Section 900; Civ. P. ‘22 Section 848; Civ. P. ‘12 Section 485; Civ. P. ‘02 Section 447; 1870 (14) Section 469.

**SECTION 14‑7‑40.** Summoning and empanelling jurors by coroners, clerks or magistrates is not affected.

 Nothing contained in this chapter shall affect the power and duty of coroners, clerks or magistrates to summon and empanel jurors when authorized by other provisions of law.

HISTORY: 1962 Code Section 38‑3; 1952 Code Section 38‑3; 1942 Code Section 646; 1932 Code Section 646; Civ. P. ‘22 Section 586; Civ. C. ‘12 Section 4054; Civ. C. ‘02 Section 2953; G. S. 2274; R. S. 2413; 1871 (14) 696.

ARTICLE 3

Drawing and Summoning Jurors

**SECTION 14‑7‑110.** Summoning of jurors by clerk of the court of common pleas.

 The clerk of the court of common pleas of each county in this State shall perform the duties provided in this article for the summoning of jurors.

HISTORY: 1962 Code Section 38‑51; 1952 Code Section 38‑51; 1942 Code Section 607; Civ. P. ‘22 Section 547; Civ. C. ‘12 Section 4016; Civ. C. ‘02 Section 2909; G. S. 2254; R. S. 2373; 1871 (14) 690; 1874 (15) 638; 1893 (21) 524; 1896 (22) 16; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1957 (50) 286; 1986 Act No. 340, Section 1, eff March 10, 1986; 2012 Act No. 200, Section 1, eff June 7, 2012.

**SECTION 14‑7‑120.** Vacancy or disqualification in office of jury commissioner.

 If there is a vacancy in the office of the clerk of court of common pleas, county auditor, or county treasurer at the time fixed for preparing the jury list or for drawing a jury or if any of these officers are disqualified or unable to serve for any reason, the county judge of probate shall act in his place and stead and if there is a vacancy in two of these offices or for any other reason two of these officers are unable to serve, the county judge of probate and the sheriff of the county shall act in their places and stead. If from among the officers above named there are not three persons in office qualified and able to serve, the resident circuit judge or the presiding judge shall appoint a commissioner or commissioners to serve in the place of the commissioner or commissioners as may be disqualified during the time of his or their disqualification. Each of the substitute commissioners shall receive the same per diem and mileage as is paid jurors.

HISTORY: 1962 Code Section 38‑51.2; 1952 Code Section 38‑51.1; 1942 Code Section 622; 1932 Code Section 622; Civ. P. ‘22 Section 562; Civ. C. ‘12 Section 4030; 1902 (23) 1066; 1930 (36) 1239; 1936 (39) 1340; 1939 (41) 27; 1941 (42) 70; 1957 (50) 286; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑130.** Preparation of jury list from electronic file of persons holding valid South Carolina driver’s license or identification card.

 In September of each year, the Department of Motor Vehicles shall furnish the State Election Commission an electronic file of the name, address, date of birth, social security number, sex, and race of persons who are over the age of eighteen years and citizens of the United States residing in each county who hold a valid South Carolina driver’s license or an identification card issued pursuant to Section 56‑1‑3350. The electronic file also must include persons who have obtained a valid South Carolina driver’s license or identification card during the previous year and exclude persons whose driver’s license or identification card has not been renewed or has been invalidated by judicial or administrative action. In October of each year, the State Election Commission shall furnish a jury list to county jury commissioners consisting of a file or list derived by merging the list of registered voters in the county with county residents appearing on the file furnished by the department, but only those licensed drivers and identification cardholders who are eligible to register to vote may be included in the list. Before furnishing the list, the commission must make every effort to eliminate duplicate names and names of persons disqualified from registering to vote or voting pursuant to the laws and Constitution of this State. As furnished to the jury commissioners by the State Election Commission, the list or file constitutes the roll of eligible jurors in the county. Expenses of the Department of Motor Vehicles and the State Election Commission in implementing this section must be borne by these agencies.

HISTORY: 1962 Code Section 38‑51.3; 1952 Code Section 38‑51.2; 1942 Code Section 622; 1932 Code Section 622; Civ. P. ‘22 Section 562; Civ. C. ‘12 Section 4030; 1902 (23) 1066; 1930 (36) 1239; 1936 (39) 1340; 1939 (41) 27; 1941 (42) 70; 1956 (49) 1789; 1986 Act No. 340, Section 1; 1988 Act No. 453, Section 1; 1993 Act No.181, Section 256, eff July 1, 1993; 1996 Act No. 459, Section 25, eff June 5, 1996; 1996 Act No. 467, Section 1, eff August 21, 1996; 2000 Act No. 257, Section 1, eff May 1, 2000; 2008 Act No. 270, Section 4, eff June 4, 2008.

**SECTION 14‑7‑140.** Use of computer for drawing and summoning jurors.

 Notwithstanding the provisions of this chapter, the clerk of court or deputy clerk of court of a county, when drawing and summoning jurors for the court of common pleas, general sessions, or the grand jury, may utilize a computer for this purpose at the discretion of the governing body of the county. Computer software employed for the purpose of drawing and summoning jurors must be designed so as to ensure a random selection of jurors from the population available for jury service. The computerized drawing and summoning of jurors must take place in the office of the clerk of court as a public event to ensure the absolute integrity of the random selection process. The Supreme Court shall direct by order the appropriate procedures required to implement the provisions of this section.

HISTORY: 1962 Code Section 38‑52; 1952 Code Section 38‑52; 1942 Code Section 608; 1932 Code Section 608; Civ. P. ‘22 Section 548; Civ. C. ‘12 Section 4017; 1902 (23) 1066; 1915 (29) 76; 1933 (38) 446; 1939 (41) 27, 332, 543; 1941 (42) 70; 1967 (55) 895; 1974 (58) 2283; 1986 Act No. 340, Section 1, eff March 10, 1986; 1988 Act No. 299, eff February 2, 1988; 2006 Act No. 224, Section 1, eff February 3, 2006; 2012 Act No. 200, Section 2, eff June 7, 2012.

**SECTION 14‑7‑150.** Preparation of jury box.

 The jury box of a county shall contain the same number of capsules or containers as there are names on the jury list prepared by the jury commissioners from the latest official list furnished to the county by the State Election Commission each year and provided to the clerk of court of each county not later than December first of the calendar year. The capsules or containers must be small, opaque, and as similar in size, shape, and color as possible at the time of original purchase or the repurchase of additional capsules. By a slip of paper placed therein, each capsule or container must be numbered, beginning with number “one” and continuing consecutively through the number of qualified electors on the jury list prepared by the jury commissioners as hereinbefore provided. All these papers must be of similar kind, color, and weight so as to resemble each other as much as possible without distinguishing marks. The capsules or containers so prepared must be placed in the jury box constructed as required by law.

HISTORY: 1962 Code Section 38‑53; 1952 Code Section 38‑53; 1942 Code Section 608; 1932 Code Section 608; Civ. P. ‘22 Section 548; Civ. C. ‘12 Section 4017; 1902 (23) 1066; 1915 (29) 76; 1933 (38) 446; 1939 (41) 27, 332, 543; 1941 (42) 70; 1942 (43) 263; 1957 (50) 11; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑160.** Drawing and notification of jurors.

 At the time provided by law for the drawing of jurors, the jury commissioners shall randomly withdraw from the jury box one capsule or container for each juror required by law to be drawn. The jury commissioners shall then open each capsule or container drawn and ascertain the number contained therein. The names of the jurors drawn must be taken from the jury list by the numbers thereon corresponding to the numbers drawn from the capsules or containers. The jury commissioners may not excuse or disqualify any juror selected. Immediately after the jurors are drawn, the clerk of court shall issue his writ and process as now required by law for the jurors whose numbers were drawn. Any juror drawn for a term of court must be notified of the time and place he is to appear for jury duty at least fifteen days before he is to appear and serve as a juror. If the trial judge determines that additional jurors are immediately necessary for the conduct of the court he may waive the fifteen‑day notice.

HISTORY: 1962 Code Section 38‑55; 1952 Code Section 38‑55; 1942 Code Section 608; 1932 Code Section 608; Civ. P. ‘22 Section 548; Civ. C. ‘12 Section 4017; 1902 (23) 1066; 1915 (29) 76; 1933 (38) 446; 1939 (41) 27, 332, 543; 1941 (42) 70; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑170.** Procedure in event of failure of jury commissioners to prepare list of jurors for ensuing year.

 When the jury commissioners in a county in this State shall omit to prepare the list of jurors for the then ensuing year or to prepare the ballots of the names and place them in the boxes at the time and in the manner required in this article, the Chief Justice, any associate justice of the Supreme Court, or any circuit judge shall grant an order on the application of any solicitor or attorney at law showing this omission by affidavit, which may be on information and belief, requiring the jury commissioners in question, within ten days after the order, to prepare these lists and ballots of names and to prepare the jury boxes (nunc pro tunc) and all juries drawn from these boxes are as valid and lawful as if the omission had not occurred.

HISTORY: 1962 Code Section 38‑56; 1952 Code Section 38‑56; 1942 Code Section 609; 1932 Code Section 609; Civ. P. ‘22 Section 549; Civ. C. ‘12 Section 4018; 1902 (23) 1066; 1921 (32) 276; 1939 (41) 27; 1941 (42) 70; 1942 (42) 1546; 1985 Act No. 1, Section 1, eff March 1, 1985; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑180.** Custody of jury box and keys thereto.

 The clerk of the court shall keep the jury box in his custody. The jury box must be kept securely locked with three separate and strong locks, each lock being different and distinct from the other two and requiring one key peculiar to itself in order to be unlocked. The key to one of these three locks must be kept by the county auditor himself, the key to another of these three locks must be kept by the county treasurer himself, and the key to the third of these three locks must be kept by the clerk of the court of common pleas himself, so that no two of them shall keep a similar key or similar keys to the same lock and so that all three of them must be present together at the same time and place in order to lock or unlock and open the jury box.

HISTORY: 1962 Code Section 38‑57; 1952 Code Section 38‑57; 1942 Code Section 623; 1932 Code Section 623; Civ. P. ‘22 Section 563; Civ. C. ‘12 Section 4031; 1905 (24) 917; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑190.** Drawing of petit jurors to serve as jury pool during weeks in which more than one term of court requiring juries are scheduled.

 Not less than fifteen days nor more than thirty‑five days before the first day of any week in which more than one term of court requiring juries is scheduled in a county, the jury commissioners shall draw a number of petit jurors to serve as a jury pool, from which the courts shall draw panels of jurors as needed according to the following schedule:

 (1) When two concurrent terms of court are scheduled, the commissioners shall draw ninety percent of the number of jurors which they would otherwise draw;

 (2) When three concurrent terms of court are scheduled, the commissioners shall draw eighty percent of the number of jurors which they would otherwise draw;

 (3) When four concurrent terms of court are scheduled, the commissioners shall draw seventy percent of the number of jurors which they would otherwise draw; or

 (4) When five or more concurrent terms of court are scheduled, the commissioners shall draw fifty percent of the number of jurors which they would otherwise draw.

 The jury commissioners shall not exclude or disqualify any juror drawn.

HISTORY: 1962 Code Section 38‑58; 1952 Code Section 38‑58; 1942 Code Section 609; 1932 Code Section 609; Civ. P. ‘22 Section 549; Civ. C. ‘12 Section 4018; 1902 (23) 1066; 1921 (32) 276; 1939 (41) 27; 1941 (42) 70; 1986 Act No. 340, Section 1, eff March 10, 1986; 1992 Act No. 483, Section 1, eff July 1, 1992.

**SECTION 14‑7‑200.** Drawing of petit jurors to serve during week of regular or special term of circuit court.

 Not less than fifteen nor more than thirty‑five days before the first day of each week of any regular or special term of the circuit court the jury commissioners shall proceed to draw at least seventy‑five petit jurors to serve for that week only. The chief administrative judge or the presiding judge of that circuit may increase or decrease the number of jurors drawn if he considers it necessary; however, at least seventy‑five jurors must be drawn. The jury commissioners shall randomly select the jurors and shall not excuse or disqualify any juror who has been selected. Immediately after the petit jurors are drawn, the clerk of the court of common pleas shall issue his writ of venire facias for the petit jurors, requiring their attendance on the first day of the week for which they have been drawn and this writ of venire facias must be immediately delivered to the sheriff of the county.

HISTORY: 1962 Code Section 38‑59; 1952 Code Section 38‑59; 1942 Code Section 609; 1932 Code Section 609; Civ. P. ‘22 Section 549; Civ. C. ‘12 Section 4018; 1902 (23) 1066; 1921 (32) 276; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1986 Act No. 340, Section 1; 1992 Act No. 483, Section 2; 1993 Act No. 18, Section 1, eff April 22, 1993.

**SECTION 14‑7‑210.** When jury shall not be discharged.

 Whenever a jury is charged with a case, it must not be discharged by reason of anything in Section 14‑7‑200 contained until a verdict is found or a mistrial ordered in such case.

HISTORY: 1962 Code Section 38‑60; 1952 Code Section 38‑60; 1942 Code Section 609; 1932 Code Section 609; Civ. P. ‘22 Section 549; Civ. C. ‘12 Section 4018; 1902 (23) 1066; 1921 (32) 276; 1939 (41) 27; 1941 (42) 70; 1955 (49) 22, 66, 72, 534; 1957 (50) 12; 1959 (51) 487; 1960 (51) 1759; 1962 (52) 1718, 1880; 1967 (55) 8, 81; 1968 (55) 2252; 1969 (56) 20, 354, 928; 1970 (56) 2288, 2358, 2430; 1971 (57) 3, 121, 442, 2018; 1972 (57) 2202; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑220.** Drawings to be open and public; notice.

 The drawings must be made openly and publicly in the office of the clerk of court of common pleas and the jury commissioners shall give ten days’ notice of the place, day, and hour of each of the drawings by posting in a conspicuous place on the courthouse door or by advertisement in a county newspaper.

HISTORY: 1962 Code Section 38‑60.1; 1958 (50) 1994; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑230.** Methods for drawing names of jurors.

 The clerk of court must use one of the following methods for drawing the names of jurors for the purpose of impaneling a jury:

 (1) drawing of the names of jurors by a responsible and impartial person designated by the clerk of court, with the approval of the presiding judge; or

 (2) drawing of the names of jurors by computer, subject to the provisions of Section 14‑7‑140.

HISTORY: 1962 Code Section 38‑61; 1952 Code Section 38‑61; 1942 Code Section 610; 1932 Code Section 610; Civ. P. ‘22 Section 550; Civ. C. ‘12 Section 4019; 1902 (23) 1066; 1916 (29) 820; 1939 (41) 27; 1941 (42) 70; 1953 (48) 45, 185, 444; 1955 (49) 60, 76, 269, 651; 1958 (50) 1961; 1986 Act No. 340, Section 1, eff March 10, 1986; 2006 Act No. 224, Section 2, eff February 3, 2006.

**SECTION 14‑7‑235.** Repealed by implication 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑240.** Selection of jurors by drawing.

 All jurors must be selected by drawing ballots from the jury box and, subject to the exceptions herein contained, the persons whose names are on the ballots so drawn must be returned to serve as jurors.

HISTORY: 1962 Code Section 38‑62; 1952 Code Section 38‑62; 1942 Code Section 610; 1932 Code Section 610; Civ. P. ‘22 Section 550; Civ. C. ‘12 Section 4019; 1902 (23) 1066; 1916 (29) 820; 1939 (41) 27; 1941 (42) 70; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑250.** Disposition of names of those who are drawn and serve on a jury pool.

 The names of those who are drawn and attend a session of court as a member of a jury pool must be placed in an envelope and must not be put back into the jury box until the first revision of the jury list provided for after they have been so drawn, to the end that no person is required to serve as a juror more than once in three calendar years. Nothing contained in this article may be construed to be in conflict with the provisions of the law as to selecting by lot from the grand jury six members to serve for the ensuing year.

 Nothing contained in this article prohibits a person whose name has been properly drawn and who desires to serve as a juror from serving more frequently than once every three calendar years, except that no person shall serve as a juror more than once every calendar year as provided in Section 14‑7‑850.

HISTORY: 1962 Code Section 38‑63; 1952 Code Section 38‑63; 1942 Code Section 611; 1932 Code Section 611; Civ. P. ‘22 Section 551; Civ. C. ‘12 Section 4020; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 22, 70; 1986 Act No. 340, Section 1, eff March 10, 1986; 1992 Act No. 483, Section 3, eff July 1, 1992; 1996 Act No. 233, Section 1, eff March 4, 1996; 2000 Act No. 257, Section 2, eff May 1, 2000.

**SECTION 14‑7‑260.** Number of jurors to be drawn and summoned.

 Except as otherwise expressly provided, the jury commissioners shall draw and summon at least seventy‑five persons to serve as petit jurors to attend at one and the same time at any court. The chief administrative judge or the presiding judge of that circuit may increase or decrease the number of jurors drawn and summoned if he considers it necessary; however, at least seventy‑five jurors must be drawn and summoned.

HISTORY: 1962 Code Section 38‑64; 1952 Code Section 38‑64; 1942 Code Section 611; 1932 Code Section 611; Civ. P. ‘22 Section 551; Civ. C. ‘12 Section 4020; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 22, 70; 1943 (43) 263; 1986 Act No. 340, Section 1; 1993 Act No. 18, Section 2, eff April 22, 1993.

**SECTION 14‑7‑270.** Preparation of special jury list in certain circumstances.

 Whenever the jury list of any county is destroyed by fire or other casualty or it is held by any court of competent jurisdiction that the jury list has been unlawfully prepared or is irregular or illegal, so as to render void the drawing of jurors therefrom, the jury commissioners shall prepare a special jury list for the county immediately in the manner herein prescribed from which special list grand and petit jurors are drawn for the courts of general sessions and common pleas for the county until the annual jury list has been prepared for the county as provided.

HISTORY: 1962 Code Section 38‑65; 1952 Code Section 38‑65; 1942 Code Section 630‑1; 1933 (38) 285; 1971 (57) 83; 1985 Act No. 27, eff March 25, 1985; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑280.** Duty of circuit judge in case of irregularities.

 When at any time it is determined by the circuit judge of any circuit, upon complaint made to him, that an irregularity has occurred in the drawing of the juries for any court within his circuit or that any act has been done whereby the validity of any jury drawn or to be drawn may be questioned, the circuit judge may issue his order to the jury commissioners for each county for which the court is to be held, at least five days before the sitting thereof, to proceed to draw jurors for the term or take measures as may be necessary to correct the error.

HISTORY: 1962 Code Section 38‑66; 1952 Code Section 38‑66; 1942 Code Section 612; 1932 Code Section 612; Civ. P. ‘22 Section 552; Civ. C. ‘12 Section 4021; 1902 (23) 1066; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑290.** Preparation of special list and drawing of special jury in certain circumstances.

 Whenever at any term of the circuit court the array of grand and petit jurors summoned to attend is held to have been irregularly or illegally drawn or summoned, the presiding judge shall immediately order, in either case, that the jury commissioners of the county shall immediately prepare a special list and, in open court, draw a special venire of grand or petit jurors or draw a special jury from the last list prepared according to law. Any special grand or petit jury so drawn and summoned shall serve instead of those discharged at this term.

HISTORY: 1962 Code Section 38‑67; 1952 Code Section 38‑67; 1942 Code Section 613; 1932 Code Section 613; Civ. P. ‘22 Section 553; Civ. C. ‘12 Section 4022; 1902 (23) 1066; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑300.** Supplying deficiency in number of jurors drawn.

 Whenever it is necessary to supply any deficiency in the number of grand or petit jurors duly drawn, whether caused by challenge or otherwise, the jury commissioners, under the direction of the court, shall draw from the jury box the number of jurors as the court considers necessary to fill the deficiency.

HISTORY: 1962 Code Section 38‑68; 1952 Code Section 38‑68; 1942 Code Section 616; 1932 Code Section 616; Civ. P. ‘22 Section 556; Civ. C. ‘12 Section 4025; 1902 (23) 1066; 1953 (48) 45; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑310.** Venires for additional jurors.

 Nothing contained in this article prevents the clerk of the court of common pleas from issuing venires for additional jurors in term time upon the order of the court whenever it is necessary for the convenient dispatch of its business. In any such case venires must be served and returned and jurors required to attend on those days as the court shall direct.

HISTORY: 1962 Code Section 38‑69; 1952 Code Section 38‑69; 1942 Code Section 619; 1932 Code Section 619; Civ. P. ‘22 Section 559; Civ. C. ‘12 Section 4028; 1902 (23) 1066; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑320.** Calling of alternate jurors.

 Whenever in the opinion of a presiding judge of a court of common pleas or general sessions of any county of this State about to enter upon the trial of a civil or criminal case the trial is likely to be protracted, the court may cause an entry to that effect to be made in the minutes of the court and, immediately after the jury is impaneled and sworn, the court shall direct the calling of one or two additional jurors in its discretion, to be known as alternate jurors. These jurors must be drawn from the same source, in the same manner, have the same qualifications, and be subject to the same examination and challenge as the jurors already sworn.

HISTORY: 1962 Code Section 38‑70; 1952 Code Section 38‑70; 1942 Code Section 620; 1932 Code Section 620; Civ. P. ‘22 Section 560; Civ. C. ‘12 Section 4029; 1902 (23) 1066; 1972 (57) 2537; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑330.** Notice of motion to quash panel because of disqualification of jury commissioners.

 No motion to quash any panel of petit jurors may be made because of any relationship, connection, or other disqualification on the part of the jury commissioners, or any of them, who made up the jury box, unless notice of the motion in writing is given at least ten days before the convening of any court to the adverse party, or his attorney setting forth the ground for the making of the motion. Failure to give notice is considered a waiver of all rights.

HISTORY: 1962 Code Section 38‑71; 1952 Code Section 38‑71; 1942 Code Section 621; 1932 Code Section 621; Civ. P. ‘22 Section 561; 1912 (27) 772; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑340.** Procedure to obtain jurors when jury commissioners are disqualified.

 If notice is given and the party upon whom it is served concedes or it is determined by the court that the relationship, connection, or disqualification exists, then the moving party shall apply to the resident circuit judge or the presiding judge of the circuit, either at chambers or in term time, setting out by way of affidavits the facts. Thereupon the judge shall order the jury commissioners who are not related, connected, or disqualified to make up a special jury box composed of the names of two hundred and forty persons, who are qualified to serve as jurors, from which special box there must be drawn the names of thirty‑six jurors who must be summoned and required to attend as extra jurors. From the extra panel a jury may be obtained to try the case in which the regular panel is disqualified. In case all of the jury commissioners are disqualified, then the judge shall designate three others who shall perform this duty.

HISTORY: 1962 Code Section 38‑72; 1952 Code Section 38‑72; 1942 Code Section 618; 1932 Code Section 618; Civ. P. ‘22 Section 558; Civ. C. ‘12 Section 4027; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1955 (49) 22, 66, 72, 534; 1957 (50) 12; 1958 (50) 1994; 1959 (51) 487; 1960 (51) 1759; 1962 (52) 1718, 1880; 1967 (55) 8, 81; 1968 (55) 2252; 1969 (56) 354, 928; 1970 (56) 2358, 2430; 1971 (57) 3, 121, 442, 2018; 1972 (57) 2202; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑350.** Term of extra or special panel.

 The extra or special panel may be discharged as soon as the need for it ceases.

HISTORY: 1962 Code Section 38‑72.2; 1958 (50) 1994; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑360.** Requirement that persons serve as jurors unless disqualified or excused.

 When the name of a person is drawn from the jury box for jury service by the jury commissioners the person shall serve as a juror unless disqualified or excused by the court as may be provided by law.

HISTORY: 1962 Code Section 38‑73; 1952 Code Section 38‑73; 1942 Code Section 618; 1932 Code Section 618; Civ. P. ‘22 Section 558; Civ. C. ‘12 Section 4027; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 70; 1943 (43) 282; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑370.** Penalty for neglect of duty in drawing and summoning jurors.

 When, by neglect of any of the duties required by this article to be performed by any of the officers or persons mentioned, the jurors to be returned from any place are not duly drawn and summoned to attend the court, every person guilty of neglect shall pay a fine not exceeding one hundred dollars, to be imposed by the court, to the use of the county in which the offense was committed.

HISTORY: 1962 Code Section 38‑74; 1952 Code Section 38‑74; 1942 Code Section 615; 1932 Code Section 615; Civ. P. ‘22 Section 555; Civ. C. ‘12 Section 4024; 1902 (23) 1066; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑380.** Punishment of jury commissioners guilty of fraud.

 If any member of the board of jury commissioners is guilty of fraud, either (a) by practicing on the jury box previously to a draft, (b) in drawing a juror, (c) in returning into the jury box the name of any juror which has been lawfully drawn out and drawing or substituting another in his stead, or (d) in any other way in the drawing of jurors, he must be punished by a fine not exceeding five hundred dollars or be imprisoned not exceeding two years in a state correctional institution.

HISTORY: 1962 Code Section 38‑75; 1952 Code Section 38‑75; 1942 Code Section 614; 1932 Code Section 614; Civ. P. ‘22 Section 554; Civ. C. ‘12 Section 4023; 1902 (23) 1066; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑390.** Service of summons for jury duty by first class mail or by alternate method.

 The clerk of court of a county may serve a summons for jury duty by first class mail. In the alternative, the clerk of court of any county may contract with the State Election Commission to serve a summons for jury duty by first class mail. Should the clerk of court of any county not choose to use either of the procedures for summoning jurors provided by this section, the clerk may summon jurors as provided by Section 14‑7‑410 or the sheriff shall serve jurors as provided by Section 14‑7‑400.

HISTORY: 1962 Code Section 38‑76; 1952 Code Section 38‑76; 1942 Code Section 626‑2; 1937 (40) 300; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑400.** Repealed by 1992 Act No. 483, Section 5, eff July 1, 1992.

**SECTION 14‑7‑410.** Service of summons for jury duty by certified mail; alternate procedure.

 The clerk of court of any county may serve a summons for jury duty by certified mail with return receipt requested. Should the clerk of court of any county not choose to use the procedure for summoning jurors provided by this section, the sheriff must continue to serve jurors as provided by law.

HISTORY: 1962 Code Section 38‑80; 1952 Code Section 38‑80; 1942 Code Section 626‑3; 1936 (39) 1431; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑420.** Attendance and service in court of common pleas by jurors summoned to attend and serve in court of general sessions.

 In cases where the law provides for the opening and holding of the court of common pleas during the week in which a term of the court of general sessions is or may be held in any county, the jurors summoned to attend and serve in the court of general sessions shall also attend and serve as jurors in any court of common pleas.

HISTORY: 1962 Code Section 38‑81; 1952 Code Section 38‑81; 1942 Code Section 626‑3; 1936 (39) 1431; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑430.** Exclusiveness of method and procedure described by this article.

 The method and procedure described by this article is the exclusive method for the preparation of the jury lists, jury box, and the drawing of jurors therefrom and for the service as jurors in the circuit courts of this State.

HISTORY: 1962 Code Section 38‑82; 1952 Code Section 38‑82; 1942 Code Section 608; 1932 Code Section 608; Civ. P. ‘22 Section 548; Civ. C. ‘12 Section 4017; 1902 (23) 1066; 1915 (29) 76; 1933 (38) 446; 1939 (41) 27, 332, 543; 1941 (42) 70; 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑440.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑450.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑455.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑460.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑465.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

**SECTION 14‑7‑470.** Repealed by implication by 1986 Act No. 340, Section 1, eff March 10, 1986.

ARTICLE 5

Alternate Method of Drawing and Summoning Jurors [Repealed]

**SECTION 14‑7‑610.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

**SECTION 14‑7‑620.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

**SECTION 14‑7‑630.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

**SECTION 14‑7‑640.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

**SECTION 14‑7‑650.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

**SECTION 14‑7‑660.** Repealed by 1986 Act No. 340, Section 5, eff March 10, 1986.

ARTICLE 7

Disqualification, Exemptions and Excuse from Service as Jurors

**SECTION 14‑7‑810.** Enumeration of disqualifications in any court.

 In addition to any other provision of law, no person is qualified to serve as a juror in any court in this State if:

 (1) He has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

 (2) He is unable to read, write, speak, or understand the English language.

 (3) He is incapable by reason of mental or physical infirmities to render efficient jury service. Legal blindness does not disqualify an otherwise qualified juror.

 (4) He has less than a sixth grade education or its equivalent.

 Any person called to jury service who knows or has good reason to suspect that he is disqualified under this section, upon questioning by the trial judge, hearing officer, or clerk of court, must state the disqualifying facts or the reasons for his suspicions and any failure to do so is punishable as contempt of court. The trial judge must make the final determination of the qualifications of a juror as set out in this section and his decision must not be disturbed on appeal.

HISTORY: 1962 Code Section 38‑100; 1966 (54) 2799; 1984 Act No. 466, eff June 20, 1984; 1986 Act No. 340, Section 2, eff March 10, 1986.

**SECTION 14‑7‑820.** Disqualification of county officers and court employees.

 No clerk or deputy clerk of the court, constable, sheriff, probate judge, county commissioner, magistrate or other county officer, or any person employed within the walls of any courthouse is eligible as a juryman in any civil or criminal case; provided, that no person may be disqualified under this section except as determined by the court.

HISTORY: 1962 Code Section 38‑101; 1952 Code Section 38‑101; 1942 Code Section 627; 1932 Code Section 627; Civ. P. ‘22 Section 567; Civ. C. ‘12 Section 4035; Civ. C. ‘02 Section 2933; R. S. 2378; 1888 (20) 69; 1890 (20) 725; 1986 Act No. 340, Section 2, eff March 10, 1986.

**SECTION 14‑7‑830.** Exclusion from jury service of members of grand jury which found indictment.

 No member of the grand jury which has found an indictment may be put upon the jury for the trial thereof.

HISTORY: 1962 Code Section 38‑102; 1952 Code Section 38‑102; 1942 Code Section 628; 1932 Code Section 628; Civ. P. ‘22 Section 568; Civ. C. ‘12 Section 4036; Civ. C. ‘02 Section 2934; G. S. 2242; R. S. 2379; 1871 (14) 691; 1986 Act No. 340, Section 2, eff March 10, 1986.

**SECTION 14‑7‑840.** Exemption from jury service; requirement of direction by court; maintenance of list of persons excused.

 No person is exempt from service as a juror in any court of this State except men and women sixty‑five years of age or over. Notaries public are not considered state officers and are not exempt under this section. A person exempt under this section may be excused upon telephone confirmation of date of birth and age to the clerk of court or the chief magistrate. The jury commissioners shall not excuse or disqualify a juror under this section. The clerk of court shall maintain a list of persons excused by the court and the reasons the juror was determined to be excused.

HISTORY: 1962 Code Section 38‑103; 1952 Code Section 38‑103; 1942 Code Section 1000; 1932 Code Section 1000; Cr. P. ‘22 Section 86; Cr. C. ‘12 Section 80; Cr. C. ‘02 Section 53; G. S. 2639; R. S. 52; 1731 (3) 279; 1986 Act No. 340, Section 2, eff March 10, 1986; 1992 Act No. 414, Section 1, eff June 1, 1992.

**SECTION 14‑7‑845.** Postponement of jury service for students and school employees.

 (A) If a student selected for jury service during the school term requests, his service must be postponed to a date that does not conflict with the school term. For purposes of this subsection, a student is a person enrolled in high school or an institution of higher learning, including technical college.

 (B) If a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college, selected for jury service during the school term requests, his service must be postponed to a date that does not conflict with the school term. For purposes of this subsection, a “school employee” is a person employed as a teacher, certified personnel at the building level, or bus driver by a school, a school system, or a school district offering educational programs to grades K‑12 and to institutions of higher learning, including technical colleges. For purposes of this subsection, “school term” means the instructional school year, generally from September first until May thirtieth or not more than one hundred ninety days.

 (C) A person selected for jury service who requests a postponement pursuant to subsection (A) or (B) must provide evidence of school enrollment or employment, or evidence of educational responsibilities during a home or charter school term coinciding with the dates of jury duty.

HISTORY: 1990 Act No. 427, Section 1, eff April 24, 1990; 1997 Act No. 28, Section 1, eff May 21, 1997; 2010 Act No. 187, Section 1, eff May 28, 2010.

**SECTION 14‑7‑850.** Frequency of jury service.

 No person is liable to be drawn and serve as a juror in any court more often than once every three calendar years and no person shall serve as a juror more than once every calendar year, but he is not exempt from serving on a jury in any other court in consequence of his having served before a magistrate.

HISTORY: 1962 Code Section 38‑104; 1952 Code Section 38‑104; 1942 Code Section 629; 1932 Code Section 629; Civ. P. ‘22 Section 569; Civ. C. ‘12 Section 4037; Civ. C. ‘02 Section 2935; G. S. 2240; R. S. 2380; 1832 (8) 380; 1836 (8) 447; 1871 (14) 690; 1878 (14) 582; 1880 (17) 307; 1884 (18) 713; 1891 (20) 1124; 1896 (22) 19; 1899 (23) 44; 1902 (23) 1028; 1907 (25) 492; 1921 (32) 269, 278; 1923 (33) 95; 1925 (34) 31; 1941 (42) 96; 1952 (47) 2042; 1965 (54) 641; 1967 (55) 895; 1978 Act No. 579 eff July 18, 1978; 1979 Act No. 108 Section 1, eff June 22, 1979; 1986 Act No. 340, Section 2, eff March 10, 1986; 1996 Act No. 233, Section 2, eff March 4, 1996; 2000 Act No. 257, Section 3, eff May 1, 2000.

**SECTION 14‑7‑860.** Authority of judge to excuse jurors for good cause; excuse of women with children under age 7 and persons essential to operation of business; punishment for violations.

 (A) The presiding judge for cause shown may excuse any person from jury duty at any term of court if the judge considers it advisable. But no juror who has been drawn to serve at any term of the court may be excused except for good and sufficient cause, which, together with his application, must be filed in the office of the clerk of court and remain on record.

 (B) A person who:

 (1) has legal custody and the duty of care for a child less than seven years of age;

 (2) is the primary caretaker of a person aged sixty‑five or older; or

 (3) is the primary caretaker of a severely disabled person who is unable to care for himself or cannot be left unattended; and desires to be excused from jury duty must submit an affidavit to the clerk of court.

 The affidavit must state that he is unable to provide adequate care for the child, person aged sixty‑five or older, or disabled person while performing jury duty, and must be excused by the presiding judge from jury service.

 (C) The provisions of Section 14‑7‑870 do not apply to any juror described in this subsection who: (a) has a child less than seven years of age, (b) is the primary caretaker of a person aged sixty‑five or older, or (c) is the primary caretaker of a severely disabled person who is unable to care for himself or cannot be left unattended.

 (D) Upon submitting an affidavit to the clerk of court requesting to be excused from jury duty, a person either may be excused or transferred to another term of court by the presiding judge if the person performs services for a business, commercial, or agricultural enterprise, and the person’s services are so essential to the operations of the business, commercial, or agricultural enterprise that the enterprise must close or cease to function if the person is required to perform jury duty.

 (E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed one thousand dollars or imprisoned not more than thirty days, or both.

HISTORY: 1962 Code Section 38‑105; 1952 Code Section 38‑105; 1942 Code Section 5220; 1932 Code Section 5220; 1922 (32) 844; 1986 Act No. 340, Section 2, eff March 10, 1986; 2000 Act No. 394, Section 1, eff August 4, 2000; 2004 Act No. 228, Section 1, eff May 11, 2004; 2010 Act No. 187, Section 2, eff May 28, 2010.

**SECTION 14‑7‑870.** Procedures applicable to excused jurors.

 Whenever a juror is so excused, unless the cause of the excuse is permanent physical disability of the juror or the juror is a member of one of the classes of persons set forth in Section 14‑7‑840, the name of the juror must be placed by the jury commissioners on the succeeding panel of the same term, or the next term or a subsequent term of court. The name of the juror so placed on any panel must be in addition to the seventy‑five names required to be placed on the panel under the provisions of Section 14‑7‑200, and the juror shall attend the court on the first day of the week for which he has been so designated without the issuance or service of any further process.

 He shall serve as a substitute on the panel in the stead and place of any one of the jurors drawn on the panel whose attendance cannot then be procured or who may be excused from attendance on the panel for cause as provided in this article.

HISTORY: 1962 Code Section 38‑106; 1952 Code Section 38‑106; 1942 Code Section 630; 1932 Code Section 630; Civ. P. ‘22 Section 570; Civ. C. ‘12 Section 4038; Civ. C. ‘02 Section 2936; G. S. 2241; R. S. 2381; 1879 (16) 307; 1986 Act No. 340, Section 2, eff March 10, 1986; 1988 Act No. 473, eff May 2, 1988.

**SECTION 14‑7‑880.** Repealed by implication by 1986 Act No. 340, Section 2, eff March 10, 1986.

**SECTION 14‑7‑890.** Repealed by implication by 1986 Act No. 340, Section 2, eff March 10, 1986.

**SECTION 14‑7‑900.** Repealed by implication by 1986 Act No. 340, Section 2, eff March 10, 1986.

ARTICLE 9

Objections and Challenges to Jurors; Impanelling of Juries

**SECTION 14‑7‑1010.** Ascertainment of qualifications of jurors by presiding judge; maintenance of list of excused or disqualified jurors; transfer of juror to subsequent term by clerk of court.

 The presiding judge shall at each term of court ascertain the qualifications of the jurors.

 The presiding judge shall determine whether any juror is disqualified or exempted by law and only he shall disqualify or excuse any juror as may be provided by law. The clerk of court shall maintain a list of all jurors excused or disqualified and the reasons provided therefor by the presiding judge, which list must be signed by the presiding judge. In no case shall the jury commissioners excuse or disqualify any juror for any reason whatsoever; provided that the clerk of court may, without court approval, transfer any juror to a subsequent term upon good and sufficient cause.

HISTORY: 1962 Code Section 38‑201; 1952 Code Section 38‑201; 1942 Code Section 608; 1932 Code Section 608; Civ. P. ‘22 Section 548; Civ. C. ‘12 Section 4017; 1902 (23) 1066; 1915 (29) 76; 1933 (38) 446; 1939 (41) 27, 332, 543; 1941 (42) 70; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1020.** Jurors may be examined by court; if juror is not indifferent, he shall be set aside.

 The court shall, on motion of either party in the suit, examine on oath any person who is called as a juror to know whether he is related to either party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the juror may introduce any other competent evidence in support of the objection. If it appears to the court that the juror is not indifferent in the cause, he must be placed aside as to the trial of that cause and another must be called.

HISTORY: 1962 Code Section 38‑202; 1952 Code Section 38‑202; 1942 Code Section 637; 1932 Code Section 637; Civ. P. ‘22 Section 577; Civ. C. ‘12 Section 4045; Civ. C. ‘02 Section 2944; G. S. 2261; R. S. 2403; 1797 (5) 358; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1030.** Time for making objections to jurors.

 All objections to jurors called to try prosecutions, actions, issues, or questions arising out of actions or special proceedings in the various courts of this State, if not made before the juror is impaneled for or charged with the trial of the prosecution, action, issue, or question arising out of an action or special proceeding, is waived, and if made thereafter is of no effect.

HISTORY: 1962 Code Section 38‑203; 1952 Code Section 38‑203; 1942 Code Section 639; 1932 Code Section 639; Civ. P. ‘22 Section 579; Civ. C. ‘12 Section 4047; Civ. C. ‘02 Section 2946; G. S. 2265; R. S. 2406; 1871 (14) 693; 1899 (23) 39; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1040.** Juror’s liability to pay taxes not cause of challenge.

 In indictments and penal actions for the recovery of sum of money or other thing forfeited, it is not a cause of challenge to a juror that he is liable to pay taxes in any county, city, or town which may be benefited by recovery.

HISTORY: 1962 Code Section 38‑204; 1952 Code Section 38‑204; 1942 Code Sections 638, 1001; 1932 Code Sections 638, 1001; Civ. P. ‘22 Section 578; Cr. P. ‘22 Section 87; Civ. C. ‘12 Section 4046; Cr. C. ‘12 Section 81; Civ. C. ‘02 Section 2945; Cr. C. ‘02 Section 54; G. S. 2264, 2640; R. S. 53, 2405; 1871 (14) 693; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1050.** Impaneling jury; in court of common pleas.

 In the trial of all actions at law in the courts of common pleas and issues ordered to be framed by the judge in equity cases in the courts, the clerk in the manner provided by Section 14‑7‑1060 shall furnish the parties or their attorneys with a list of twenty jurors from the whole number of jurors who are in attendance, the names on the list to be numbered from one to twenty, and be stricken off by numbers in the same manner as the regular panels of jurors in those courts have been formed. From this list the parties or their attorneys shall alternatively strike, until there are but twelve left, which shall constitute the jury to try the case or issue. In all cases the plaintiff shall have the first strike and in all civil cases any party shall have the right to demand a panel of twenty competent and impartial jurors from which to strike a jury.

HISTORY: 1962 Code Section 38‑205; 1952 Code Section 38‑205; 1942 Code Section 634; 1932 Code Section 634; Civ. P. ‘22 Section 574; Civ. C. ‘12 Section 4042; Civ. C. ‘02 Section 2940; 1901 (23) 633; 1902 (23) 1069; 1904 (24) 413; 1909 (26) 48; 1939 (41) 74; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1060.** Procedures to be employed by clerk to draw jury panel.

 If a computer is not used for the drawing of jurors pursuant to the provisions of Section 14‑7‑140, the clerk shall write or cause the names of the jurors in attendance to be written, each on a separate paper or ballot which must be white and plain, which must resemble each other as much as possible, and which must be so folded that the name written thereon is not visible on the outside. The clerk shall place each of the ballots or separate papers in a separate, small opaque capsule or container, which must be as uniform in size, shape, and color as possible at the time of original purchase or repurchase of the capsules or containers. Whenever a jury panel of twenty is to be drawn, these capsules or containers must be placed in a small rotating drum, cylindrical in shape, having a handle at the end thereof and resting on such supports that it can be turned by means of the handle, the drum, capsules, and other equipment to be furnished by the jury commissioners and approved by the resident judge. When the containers or capsules have been placed in the drum, it must be completely closed and securely fastened and rotated by means of the handle for a sufficient length of time necessary for a complete mixing of the containers or capsules and the required number of jurors must then be drawn, one by one, by a responsible and impartial person designated by the clerk of court, with the approval of the presiding judge. The names of the jurors so drawn must be returned to the capsules and replaced in the drum when the jurors are no longer actually engaged in service on a trial jury.

HISTORY: 1962 Code Section 38‑206; 1952 Code Section 38‑206; 1942 Code Section 634; 1932 Code Section 634; Civ. P. ‘22 Section 574; Civ. C. ‘12 Section 4042; Civ. C. ‘02 Section 2940; 1901 (23) 633; 1902 (23) 1069; 1904 (24) 413; 1909 (26) 48; 1939 (41) 74; 1986 Act No. 340, Section 3, eff March 10, 1986; 2006 Act No. 224, Section 3, eff February 3, 2006.

**SECTION 14‑7‑1070.** Objections for cause to be made before striking; requirement of additional jury list where disqualifications are discovered after striking.

 When the list is prepared by the clerk and presented to the parties or their attorneys, objection for cause must be made before striking, and if the objection is sustained, the clerk shall fill up the list before it is stricken. If, after the jury has been struck as provided, it is discovered that any one or more of the jurors whose names remain upon the jury list are disqualified for any cause, the clerk shall furnish the parties or their attorneys with an additional list of three times as many jurors as may be found to be disqualified, to be drawn as the first list was drawn, from which the parties or their attorneys shall alternately strike, until there is left the number necessary to impanel the panel.

HISTORY: 1962 Code Section 38‑207; 1952 Code Section 38‑207; 1942 Code Section 634; 1932 Code Section 634; Civ. P. ‘22 Section 574; Civ. C. ‘12 Section 4042; Civ. C. ‘02 Section 2940; 1901 (23) 633; 1902 (23) 1069; 1904 (24) 413; 1909 (26) 48; 1939 (41) 74; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1080.** Effect of jury’s delay in rendering verdict.

 Should the jury charged with any case be delayed in rendering its verdict so that it could not be present to be drawn from in making the list to form a second jury, then the clerk shall present to the parties or their attorneys a list containing the names of twenty jurors to be drawn by the clerk from the remaining jurors in the manner provided in Section 14‑7‑1050, from which list the parties or their attorneys shall alternately strike, as provided in Section 14‑7‑1050 until twelve are left who shall constitute the jury.

HISTORY: 1962 Code Section 38‑208; 1952 Code Section 38‑208; 1942 Code Section 634; 1932 Code Section 634; Civ. P. ‘22 Section 574; Civ. C. ‘12 Section 4042; Civ. C. ‘02 Section 2940; 1901 (23) 633; 1902 (23) 1069; 1904 (24) 413; 1909 (26) 48; 1939 (41) 74; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1090.** Impaneling jury in default cases or in cases where right to strike jury has been waived.

 In all cases of default when it may be necessary to have the verdict of a jury or in the trial of cases when the parties or their attorneys shall waive the right to strike a jury, the clerk shall, under the direction of the judge, draw and impanel a jury who shall pass upon those matters as may be submitted to it in default cases or the trial of those cases when the parties have waived the right to strike the jury.

HISTORY: 1962 Code Section 38‑209; 1952 Code Section 38‑209; 1942 Code Section 634; 1932 Code Section 634; Civ. P. ‘22 Section 574; Civ. C. ‘12 Section 4042; Civ. C. ‘02 Section 2940; 1901 (23) 633; 1902 (23) 1069; 1904 (24) 413; 1909 (26) 48; 1939 (41) 74; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1100.** Impaneling jury in criminal case.

 In impaneling juries in criminal cases, the jurors must be called, sworn, and impaneled anew for the trial of each case, according to the established practice.

HISTORY: 1962 Code Section 38‑210; 1952 Code Section 38‑210; 1942 Code Section 92; 1932 Code Section 982; Cr. P. ‘22 Section 73; Cr. C. ‘12 Section 70; Cr. C. ‘02 Section 44; G. S. 2636; R. S. 44; 1871 (14) 692; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1110.** Peremptory challenges in criminal cases.

 Any person who is arraigned for the crime of murder, manslaughter, burglary, arson, criminal sexual conduct, armed robbery, grand larceny, or breach of trust when it is punishable as for grand larceny, perjury, or forgery is entitled to peremptory challenges not exceeding ten, and the State in these cases is entitled to peremptory challenges not exceeding five. Any person who is indicted for any crime or offense other than those enumerated above has the right to peremptory challenges not exceeding five, and the State in these cases is entitled to peremptory challenges not exceeding five. No right to stand aside jurors is allowed to the State in any case whatsoever. In no case where there is more than one defendant jointly tried are more than twenty peremptory challenges allowed in all to the defendants, and in misdemeanors when there is more than one defendant jointly tried no more than ten peremptory challenges are allowed in all to the defendants. In felonies when there is more than one defendant jointly tried the State has ten challenges.

HISTORY: 1962 Code Section 38‑211; 1952 Code Section 38‑211; 1942 Code Section 1002; 1932 Code Section 1002; Cr. P. ‘22 Section 88; Cr. C. ‘12 Section 82; Cr. C. ‘02 Section 55; R. S. 54; 33 Ed. 1; 1712 (2) 549; 1841 (11) 154; 1887 (19) 830; 1892 (21) 94; 1927 (35) 180; 1928 (35) 1161; 1930 (36) 1268; 1932 (27) 1145; 1943 (43) 285; 1986 Act No. 340, Section 3, eff March 10, 1986; 1987 Act No. 10, Section 1, eff March 16, 1987.

**SECTION 14‑7‑1120.** Challenges and strikes of alternate jurors.

 In criminal cases the prosecution is entitled to one and the defendant to two peremptory challenges for each alternate juror called under the provisions of Section 14‑7‑320 and in civil cases, each party shall have one strike for each alternate juror.

HISTORY: 1962 Code Section 38‑212; 1952 Code Section 38‑212; 1942 Code Section 626‑2; 1937 (40) 300; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1130.** Juror may take affirmation instead of oath.

 Any juror in any court of this State may make solemn and conscientious affirmation and declaration, according to the form of his religious belief or profession, as to any matter or thing whereof an oath is required and this affirmation and declaration must be held as valid and effectual as if the person had taken an oath on the Holy Bible.

HISTORY: 1962 Code Section 38‑213; 1952 Code Section 38‑213; 1942 Code Section 341; 1932 Code Section 341; Civ. P. ‘22 Section 297; Civ. C. ‘12 Section 3930; Civ. C. ‘02 Section 2827; G. S. 2174; R. S. 2303; 1721 (3) 281; 1986 Act No. 340, Section 3, eff March 10, 1986.

**SECTION 14‑7‑1140.** Effect on verdict of irregularity in venire, drawing, and the like of jurors.

 No irregularity in any writ of venire facias or in the drawing, summoning, returning, or impaneling of jurors is sufficient to set aside the verdict, unless the party making the objection was injured by the irregularity or unless the objection is made before the returning of the verdict.

HISTORY: 1962 Code Section 38‑214; 1952 Code Section 38‑214; 1942 Code Section 640; 1932 Code Section 640; Civ. P. ‘22 Section 580; Civ. C. ‘12 Section 4048; Civ. C. ‘02 Section 2947; G. S. 2266; R. S. 2407; 1797 (5) 358; 1986 Act No. 340, Section 3, eff March 10, 1986.

ARTICLE 11

Service as Jurors and Compensation Therefor

**SECTION 14‑7‑1310.** Foreman.

 The foreman of each jury, after the jury has been empanelled, may be appointed by the court or the jury may retire and choose its foreman.

HISTORY: 1962 Code Section 38‑301; 1952 Code Section 38‑301; 1942 Code Section 635; 1932 Code Section 635; Civ. P. ‘22 Section 575; Civ. C. ‘12 Section 4043; Civ. C. ‘02 Section 2941; G. S. 2253; R. S. 2396; 1905 (24) 846.

**SECTION 14‑7‑1320.** Jury may view place, property or thing; expenses.

 The jury in any case may, at the request of either party, be taken to view the place or premises in question or any property, matter or thing relating to the controversy between the parties when it appears to the court that such view is necessary to a just decision, if the party making the motion advances a sum sufficient to pay the actual expenses of the jury and the officers who attend them in taking the view, which shall be afterwards taxed like other legal costs if the party who advanced them prevails in the suit.

HISTORY: 1962 Code Section 38‑302; 1952 Code Section 38‑302; 1942 Code Section 643; 1932 Code Section 643; Civ. P. ‘22 Section 583; Civ. C. ‘12 Section 4051; Civ. C. ‘02 Section 2950; G. S. 2271; R. S. 2410; 1871 (14) 693.

**SECTION 14‑7‑1330.** Procedure when jury fails to agree.

 When a jury, after due and thorough deliberation upon any cause, returns into court without having agreed upon a verdict, the court may state anew the evidence or any part of it and explain to it anew the law applicable to the case and may send it out for further deliberation. But if it returns a second time without having agreed upon a verdict, it shall not be sent out again without its own consent unless it shall ask from the court some further explanation of the law.

HISTORY: 1962 Code Section 38‑303; 1952 Code Section 38‑303; 1942 Code Section 642; 1932 Code Section 642; Civ. P. ‘22 Section 582; Civ. C. ‘12 Section 4050; Civ. C. ‘02 Section 2949; G. S. 2268; R. S. 2409; 1797 (5) 358.

**SECTION 14‑7‑1340.** Duties and service of alternate jurors.

 Such alternate jurors shall sit near the jury panel charged with the case, shall have the same opportunities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already sworn and shall attend at all times the trial of the cause in company with the other jurors. They shall obey the orders of, and be bound by, the admonition of the court upon each adjournment of the court and, if the regular jurors are ordered to be kept in custody by the court during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If, before the final submission of the case to the jury, a juror thereon dies or becomes so ill or disabled as to be unable in the judgment of the court to perform his duties thereon, the court shall order him to be discharged and draw the name of one of the alternates, if there be more than one, by ballot to serve in the place of such dead or discharged juror throughout the remainder of the proceedings, being subject to the same rules and regulations as applied to the remainder of jurors, just as though he had been one of the original jurors. If there be but one alternate, he shall be placed upon the jury panel for all further proceedings in such cause.

HISTORY: 1962 Code Section 38‑304; 1952 Code Section 38‑304; 1942 Code Section 626‑2; 1937 (40) 300.

**SECTION 14‑7‑1350.** Petit jurors may be held beyond period for which summoned.

 All jurors summoned to serve at any term of the courts of general sessions or common pleas may be held beyond the period for which they were summoned until all cases in both of such courts to be tried by jury are disposed of or until another jury shall have been empanelled to try such cases.

HISTORY: 1962 Code Section 38‑305; 1952 Code Section 38‑305; 1942 Code Section 636; 1932 Code Section 636; Civ. P. ‘22 Section 576; Civ. C. ‘12 Section 4044; Civ. C. ‘02 Section 2942; 1896 (22) 18.

**SECTION 14‑7‑1360.** Verdict may be set aside on gratuity given to juror by party.

 If either party in a case in which a verdict is returned during the same term of the court, before the trial, gives to any of the jurors who try the cause anything by way of treat or gratuity the court may, on the motion of the adverse party, set aside the verdict and award a new trial of the cause.

HISTORY: 1962 Code Section 38‑307; 1952 Code Section 38‑307; 1942 Code Section 641; 1932 Code Section 641; Civ. P. ‘22 Section 581; Civ. C. ‘12 Section 4049; Civ. C. ‘02 Section 2948; G. S. 2267; R. S. 2408; 1797 (5) 358.

**SECTION 14‑7‑1370.** Compensation of jurors in circuit courts.

 Jurors serving in the circuit courts of this State shall, in addition to mileage at the rate of five cents per mile going to and returning from court, receive a per diem in the several counties of this State, as follows:

 (1) In the counties of Anderson, Calhoun, Clarendon, Dillon, Edgefield, Greenville, Greenwood, Lancaster, Laurens, Marion, Marlboro, Richland and York, two dollars; provided, that in Marlboro County petit jurors shall receive, in addition to the per diem, two dollars for each night when detained on jury duty after ten o’clock P.M.;

 (2) In Union County, two dollars and fifty cents; provided, that petit jurors shall receive, in addition to the per diem, two dollars and fifty cents for each night when detained on jury duty after ten o’clock P. M.;

 (3) In the counties of Bamberg, Barnwell, Cherokee, Chester, Colleton, Fairfield, Jasper, Lexington, Oconee and Orangeburg, three dollars; provided, that if any juror in Chester County is kept on duty after eleven o’clock at night, he shall be paid for an additional day; provided, further, that in Orangeburg County each juror shall receive mileage for going to and returning from court for each day of attendance at court;

 (4) In Kershaw and Spartanburg Counties, four dollars;

 (5) In Abbeville County, ten dollars;

 (6) In Berkeley, Fairfield, Horry, McCormick, Newberry and Sumter Counties, five dollars; provided, however, that:

 (a) Jurors in Berkeley County shall be paid mileage at the rate of ten cents per mile going to and returning from court;

 (b) If in Newberry County any juror serving upon any case is detained by such jury service after twelve o’clock midnight, it shall be considered that the jury shall have entered into a new day of jury service; and if a juror in either such county is discharged from jury service before one o’clock P. M. on any day he shall be paid only two dollars and fifty cents;

 (c) Jurors in Chesterfield County shall be paid mileage at seven cents per mile for each day’s attendance on court;

 (d) In Horry County petit jurors shall receive an additional five dollars per night when detained on jury duty after eleven o’clock P. M.; and if any juror in Horry County is excused from jury service at his own request he shall not be paid compensation as a juror but shall only be entitled to receive compensation for mileage;

 (e) In Georgetown County, jurors shall be paid mileage at the rate of seven cents per mile going to and from court;

 (7) The pay for all jurors of Darlington County shall be as follows: The foreman of a grand jury, five dollars per day and ten cents mileage one way; all other jurors, grand and petit, three dollars per day and ten cents mileage one way, and the county auditor of Darlington County shall levy and the treasurer and the tax collector shall collect sufficient funds for the purposes of this paragraph;

 (8) In Saluda County, seven dollars per day and mileage for each trip going to and returning from court;

 (9) In Aiken County, six dollars; and

 (10) In Allendale County, seven dollars;

 (11) In Charleston County the circuit court grand and petit jurors shall receive seven dollars per day whether or not they are discharged from jury service before one o’clock P. M. on any day, and mileage at the rate of ten cents per mile for going to and returning from court for each day of attendance at court;

 (12) In Beaufort County, twelve dollars and fifty cents, and if any juror serving upon any case is detained by such jury service after twelve o’clock midnight, it shall be considered that the jury shall have entered into a new day of jury service. In addition jurors shall be paid mileage for going to and returning from court for each day of attendance at court at the same rate as authorized by law for an employee of the State. Such mileage shall be paid each day.

 (13) In Chesterfield County, eight dollars;

 (14) In Hampton and Georgetown Counties, ten dollars; and

 (15) In Lee County, seven dollars.

 (16) In Pickens and Florence Counties, ten dollars and if any juror serving upon any case is detained by such jury service after twelve o’clock midnight, it shall be considered that the jury shall have entered into a new day of jury service. Jurors shall be paid mileage at the rate of ten cents per mile for going to and returning from court for each day of attendance at court.

 (17) In Edgefield County ten dollars and mileage at the rate of ten cents per mile going to and returning from court for each day’s attendance at court.

 (18) In Dorchester County ten dollars per day and mileage at the rate of ten cents per mile going to and returning from court for each weekly session.

 (19) In Williamsburg County, twelve dollars, and if any juror serving upon any case is detained by such jury service after twelve o’clock midnight, it shall be considered that the jury shall have entered into a new day of jury service. In addition jurors shall be paid mileage for going to and returning from court for each day of attendance at court at the rate of ten cents per mile. Such mileage shall be paid each day.

HISTORY: 1962 Code Section 38‑308; 1952 Code Section 38‑308; 1942 Code Section 632; 1932 Code Section 632; Civ. P. ‘22 Section 572; Civ. C. ‘12 Section 4040; Civ. C. ‘02 Section 2938; G. S. 2269; R. S. 2384; 1874 (15) 608; 1878 (16) 630; 1907 (25) 518; 1911 (27) 86; 1920 (31) 735; 1925 (34) 233; 1933 (38) 8, 14, 76, 111; 1934 (38) 1598; 1935 (39) 220; 1936 (39); 1936 (39) 1304, 1315, 1321, 1544; 1937 (40) 36, 45, 177, 190, 209, 385; 1938 (40) 1563, 1590, 1602, 1698; 1939 (41) 415; 1940 (41) 1938; 1942 (42) 1577; 1943 (43) 13; 1945 (44) 20, 44, 49, 77, 87; 1946 (44) 1356; 1947 (45) 1, 82; 1948 (45) 1722, 1830; 1949 (46) 110, 224; 1950 (46) 2391; 1951 (47) 39, 237; 1952 (47) 1914; 1953 (48) 184, 300; 1954 (48) 1749; 1956 (49) 1750; 1957 (50) 98, 565; 1959 (51) 297, 339; 1960 (51) 1984; 1962 (52) 2220; 1963 (53) 234; 1964 (53) 1739, 2068, 2340; 1966 (54) 3242; 1967 (55) 55, 224, 1014; 1968 (55) 2295, 3530; 1970 (56) 1989; 1971 (57) 1065; 1972 (57) 2647; 1973 (58) 781; 1974 (58) 1938, 2988; 1976 Act No. 504 Sections 1, 2; 1978 Act No. 407 Section 1.

**SECTION 14‑7‑1380.** Cost of feeding juries shall be paid by county.

 Whenever any circuit judge shall order food to be furnished by the sheriff to any jury charged with the consideration of a case, the expenses connected therewith shall be paid by the governing body of the county in which such case is being tried, upon presentation of the bill of the sheriff certified as correct by the presiding judge.

HISTORY: 1962 Code Section 38‑310; 1952 Code Section 38‑310; 1942 Code Section 647; 1932 Code Section 647; Civ. P. ‘22 Section 587; Civ. C. ‘12 Section 4055; Civ. C. ‘02 Section 2954; R. S. 2414; 1891 (20) 1053.

**SECTION 14‑7‑1390.** Penalty for nonattendance.

 If a person duly drawn and summoned to attend as a juror in any court neglects to attend, without sufficient excuse, he shall pay a civil penalty not exceeding one hundred dollars which must be imposed by the court to which the juror was summoned and paid into the county treasury.

HISTORY: 1962 Code Section 38‑311; 1952 Code Section 38‑311; 1942 Code Section 644; 1932 Code Section 644; Civ. P. ‘22 Section 584; Civ. C. ‘12 Section 4052; Civ. C. ‘02 Section 2951; G. S. 2272; R. S. 2411; 1871 (14) 694; 1997 Act No. 64, Section 1, eff June 10, 1997.

ARTICLE 13

Grand Juries

**SECTION 14‑7‑1510.** Six grand jurors to be selected for second year; periodic exemption from further service.

 (A) During the last term of the court of general sessions held in each county for any year, the clerk of court shall randomly draw from the twelve members serving their first year on the grand jury the names of six of the grand jurors who, together with twelve grand jurors selected in the manner prescribed in this article, shall constitute the grand jury for the succeeding year. The drawing of these names by the clerk of court has the same force and effect as if the names of the six grand jurors had been drawn in the presence of the presiding judge.

 (B) No person shall serve as a grand juror for more than two consecutive years.

 (C) A person completing service as a grand juror under the provisions of this article, including any service as a holdover grand juror, is exempt from any further jury service in any court of this State for a period of five calendar years.

HISTORY: 1962 Code Section 38‑401; 1952 Code Section 38‑401; 1942 Code Section 973; 1932 Code Section 973; Cr. P. ‘22 Section 64; Cr. C. ‘12 Section 62; Cr. C. ‘02 Section 38; 1901 (23) 634; 1903 (24) 108; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1986 Act No. 340, Section 4, eff March 10, 1986; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1520.** Drawing of juror names; writs of venire facias; issuance and delivery of writs.

 Not less than fifteen days before the convening of the first term of the court of general sessions for the calendar year, the jury commissioners shall proceed to draw from the jury box the number of grand jurors which the clerk of court or chief administrative judge for the circuit has determined to be sufficient in order to impanel a grand jury. The grand jurors must be randomly drawn and listed as are jurors for trials, and the jury commissioners shall not disqualify or excuse any juror drawn. Immediately after these grand jurors are drawn, the clerk of court shall issue writs of venire facias for these grand jurors, requiring their attendance on the first day of the first week of criminal court in the county or at such other time as the clerk of court may designate. These writs of venire facias must be delivered immediately to the sheriff of the county or otherwise served as provided by law.

HISTORY: 1962 Code Section 38‑402; 1952 Code Section 38‑402; 1942 Code Section 973; 1932 Code Section 973; Cr. P. ‘22 Section 64; Cr. C. ‘12 Section 62; Cr. C. ‘02 Section 38; 1901 (23) 634; 1903 (24) 108; 1939 (41) 27; 1941 (42) 70; 1943 (43) 263; 1986 Act No. 340, Section 4, eff March 10, 1986; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1530.** Judge to ascertain qualifications of jurors; lists of excused or disqualified jurors; jurors not served writs.

 On the first day of the term of court, the presiding judge shall ascertain the qualifications of those jurors who have appeared pursuant to the writs of venire facias. No juror may be excused or disqualified except in accordance with existing law as determined by the presiding judge. The clerk of court shall maintain a list of all jurors who are excused or disqualified by the presiding judge and state the reasons given by the presiding judge for excusing or disqualifying the jurors. The sheriff of the county also shall report to the presiding judge the names of those persons who were not served with writs of venire facias, and that reasonable effort was made to obtain service. The clerk of court shall maintain a list of the jurors who were not served with the writs of venire facias and the reasons service was not effected.

HISTORY: 1962 Code Section 38‑403; 1952 Code Section 38‑403; 1942 Code Section 975; 1932 Code Section 975; Cr. P. ‘22 Section 66; Cr. C. ‘12 Section 64; Cr. C. ‘02 Section 38; 1903 (24) 108; 1986 Act No. 340, Section 4, eff March 10, 1986; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1540.** Drawing of grand jurors and alternates.

 After the grand jury venire has been duly qualified by the presiding judge, the clerk of court shall place the names of all qualified grand jurors in a container from which twelve grand jurors must be chosen. The clerk of court shall randomly draw twelve jurors from the container, and those twelve jurors drawn shall serve as grand jurors, together with those grand jurors selected as provided under Section 14‑7‑1510(A). The clerk of court shall randomly draw three or more additional jurors, with those three or more jurors serving as alternate grand jurors in the event one or more of the original grand jurors are incapacitated, excused, or disqualified during their term. The names of the alternate grand jurors must be kept separate and numbered in the order drawn and in this order, unless excused by the presiding judge, shall serve when necessary. The remainder of the grand jury venire may be discharged.

HISTORY: 1962 Code Section 38‑404; 1952 Code Section 38‑404; 1942 Code Section 974; 1932 Code Section 974; Cr. P. ‘22 Section 65; Cr. C. ‘12 Section 63; Cr. C. ‘02 Section 38, Subdivision d; 1903 (24) 108; 1986 Act No. 340, Section 4, eff March 10, 1986; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1550.** Authority of grand jury foreman to swear witnesses; procedures to obtain attendance of witnesses.

 The foreman of the grand jury or acting foreman in the circuit courts of any county of the State may swear the witnesses whose names shall appear on the bill of indictment in the grand jury room. No witnesses shall be sworn except those who have been bound over or subpoenaed in the manner provided by law. In order to obtain attendance of any witness, the grand jury may proceed as provided by the South Carolina Rules of Civil Procedure and Sections 19‑9‑10 through 19‑9‑130.

HISTORY: 1962 Code Section 38‑405; 1952 Code Section 38‑405; 1942 Code Section 976; 1932 Code Section 976; Cr. P. ‘22 Section 67; Cr. C. ‘12 Section 65; Cr. C. ‘02 Section 39; G. S. 2630; R. S. 39; 1871 (14) 694; 1986 Act No. 340, Section 4, eff March 10, 1986; 1992 Act No. 483, Section 4, eff July 1, 1992; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1560.** Employment of expert accountants.

 Grand juries may, whenever in their judgment it becomes necessary, employ one or more expert accountants to aid them to examine and investigate the offices, books, papers, vouchers, and accounts of any public officer of their respective counties and to fix the amount of compensation or per diem to be paid therefor, upon the approval of the presiding or circuit judge given before any expert is employed.

HISTORY: 1962 Code Section 38‑406; 1952 Code Section 38‑406; 1942 Code Section 626‑1; 1936 (39) 1458; 1969 (56) 216; 1986 Act No. 340, Section 4, eff March 10, 1986; 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1570.** Repealed by 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1580.** Repealed by 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1590.** Repealed by 1998 Act No. 373, Section 1, eff May 26, 1998.

**SECTION 14‑7‑1595.** Repealed by 1990 Act No. 461, Section 1 eff May 7, 1990.

ARTICLE 15

State Grand Jury System

**SECTION 14‑7‑1600.** Short title; State Grand Jury of South Carolina defined.

 This article may be cited as the “State Grand Jury Act”, and any state grand jury which may be convened as provided herein to be known as a “State Grand Jury of South Carolina”.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1610.** Legislative findings and intent; applicability.

 (A) It is the intent of the General Assembly to enhance the grand jury system and to improve the ability of the State to detect and eliminate criminal activity. The General Assembly recognizes the great importance of having the federal authorities available for certain investigations. The General Assembly finds that crimes involving narcotics, dangerous drugs, or controlled substances, as well as crimes involving obscenity, often transpire or have significance in more than one county of this State. When this occurs, these crimes are most effectively detected and investigated by a grand jury system with the authority to cross county lines.

 (B) The General Assembly finds that there is a critical need to enhance the grand jury system to improve the ability of the State to prevent, detect, investigate, and prosecute crimes involving criminal gang activity or a pattern of criminal gang activity pursuant to the provisions of Article 3 of Chapter 8, Title 16. Crimes involving criminal gang activity or a pattern of criminal gang activity transpire at times in a single county, but often transpire or have significance in more than one county of this State. The General Assembly believes criminal gang activity poses an immediate, serious, and unacceptable threat to the citizens of the State and therefore warrants the state grand jury possessing considerably broader investigative authority.

 (C) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and eliminate public corruption. Crimes involving public corruption transpire at times in a single county, but often transpire or have significance in more than one county of this State. The General Assembly believes that a state grand jury, possessing considerably broader investigative authority than individual county grand juries, should be available to investigate public corruption offenses in South Carolina.

 (D) The General Assembly finds it fundamentally necessary to improve the ability of the State to prevent, detect, investigate, and prosecute crimes that involve the depiction of children under the age of eighteen in sexual activity, and obscenity crimes that are directed toward or involve children under the age of eighteen. The serious and unacceptable threat that these crimes pose to children is self‑evident and impacts the State as a whole even if the actual criminal act occurs only in one county of the State. An effective effort to eliminate these heinous crimes requires a coordinated effort, which is accomplished more effectively through the state grand jury system. The effective prevention, detection, investigation, and prosecution of these crimes may require the use and application of state obscenity statutes or common law offenses not specifically directed toward the prevention and punishment of obscenity crimes involving children. Because many of these crimes involve computers, statewide jurisdiction over these crimes is consistent with the jurisdiction of a state grand jury over offenses defined in the Computer Crime Act. The General Assembly concludes that a state grand jury must be available to employ its broad investigative powers in the investigation of child‑related obscenity by enabling the state grand jury to investigate all obscenity offenses, regardless of their multi‑county impact, or whether they transpire or have significance in more than one county of this State.

 (E) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and investigate crimes involving the election laws including, but not limited to, those named offenses as specified in Title 7, or common law crimes involving the election laws where not superseded, or a crime arising out of or in connection with the election laws, or attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws.

 (F) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and investigate knowing and wilful crimes which result in actual and substantial harm to the environment. These crimes include knowing and wilful offenses specified in Titles 13, 44, and 48, or any knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages including, but not limited to, the cost of remediation, are two million dollars or more, as certified by an independent environmental engineer who shall be contracted by the Department of Health and Environmental Control.

 (1) The General Assembly finds that the South Carolina Department of Health and Environmental Control possesses the expertise and knowledge to determine whether there has occurred an alleged environmental offense as defined in this article.

 (2) The General Assembly finds that, because of its expertise and knowledge, the Department of Health and Environmental Control must play a substantial role in the investigation of any such alleged environmental offense.

 (3) The General Assembly finds that, while the Department of Health and Environmental Control must not make prosecutorial decisions regarding such alleged environmental offense as defined in this article, the department must be integrally involved in the investigation of any such alleged environmental offense before and after the impaneling of a state grand jury pursuant to Section 14‑7‑1630.

 (4) The General Assembly finds that it is in the public interest to avoid duplicative and overlapping prosecutions to the extent that the Attorney General considers possible. Therefore, the Attorney General shall consult with and advise the Environmental Protection and Enforcement Coordinating Subcommittee and cooperate with other state and federal prosecutorial authorities having jurisdiction over environmental enforcement in order to carry out the provisions of Sections 14‑7‑1630(A)(8) and 14‑7‑1630(C).

 (G) The General Assembly finds that related criminal activity often arises out of or in connection with crimes involving narcotics, dangerous drugs or controlled substances, criminal gang activity, obscenity, public corruption, or environmental offenses and that the mechanism for detecting and investigating these related crimes must be improved.

 (H) Accordingly, the General Assembly concludes that a state grand jury should be allowed to investigate certain crimes related to narcotics, dangerous drugs or controlled substances, criminal gang activity, and obscenity and also should be allowed to investigate crimes involving public corruption, election laws, and environmental offenses.

 (I) This section does not limit the authority of a county grand jury, solicitor, or other appropriate law enforcement personnel to investigate, indict, or prosecute offenses within the jurisdiction of the state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution was ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992; 2004 Act No. 208, Section 1, eff April 26, 2004; 2005 Act No. 75, Section 1, eff May 24, 2005; 2007 Act No. 82, Section 2, eff June 12, 2007.

**SECTION 14‑7‑1615.** Definitions.

 For purposes of this article:

 (A) the phrase “Attorney General or his designee” also includes:

 (1) the Attorney General or his designees;

 (2) the Attorney General and his designee or designees.

 (B) The term “public corruption” means any unlawful activity, under color of or in connection with any public office or employment, of:

 (1) any public official, public member, or public employee, or the agent, servant, assignee, consultant, contractor, vendor, designee, appointee, representative, or any other person of like relationship, by whatever designation known, of any public official, public member, or public employee under color of or in connection with any public office or employment; or

 (2) any candidate for public office or the agent, servant, assignee, consultant, contractor, vendor, designee, appointee, representative of, or any other person of like relationship, by whatever name known, of any candidate for public office.

HISTORY: 1989 Act No. 2, Section 1, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution; See 1989 Act No. 5, Sections 1 and 2, 1989 Act No. 7, Section 1, and 1989 Act No. 8, Section 1.); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1620.** State grand jury system established; meeting place; quorum.

 There is established a state grand jury system, each state grand jury consisting of eighteen persons who shall meet in Columbia or at another suitable place in this State designated by the chief administrative judge of the judicial circuit in which the Attorney General seeks to impanel a state grand jury for a term hereinafter provided. Twelve members of a state grand jury constitute a quorum.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1630.** Jurisdiction of juries; petitions to impanel juries; powers and duties of impaneling and presiding judges; effective date and notice requirements with respect to orders of judge; appeals.

 (A) The jurisdiction of a state grand jury impaneled pursuant to the provisions of this article extends throughout the State. The subject matter jurisdiction of a state grand jury in all cases is limited to the following offenses:

 (1) a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances including, but not limited to, money laundering as specified in Section 44‑53‑475, obstruction of justice, perjury or subornation of perjury, or any attempt, aiding, abetting, solicitation, or conspiracy to commit one of the aforementioned crimes if the crime is of a multi‑county nature or has transpired or is transpiring or has significance in more than one county of this State;

 (2) a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to the provisions of Article 3 of Chapter 8, Title 16;

 (3) a crime, statutory, common law or other, involving public corruption as defined in Section 14‑7‑1615, a crime, statutory, common law or other, arising out of or in connection with a crime involving public corruption as defined in Section 14‑7‑1615, and any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime, statutory, common law or other, involving public corruption as defined in Section 14‑7‑1615;

 (4) a crime involving the election laws including, but not limited to, those named offenses as specified in Title 7, or a common law crime involving the election laws if not superseded, or a crime arising out of or in connection with the election laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws;

 (5) a crime involving computer crimes, pursuant to Chapter 16, Title 16, or a conspiracy or solicitation to commit a crime involving computer crimes;

 (6) a crime involving terrorism, or a conspiracy or solicitation to commit a crime involving terrorism. Terrorism includes an activity that:

 (a) involves an act dangerous to human life that is a violation of the criminal laws of this State;

 (b) appears to be intended to:

 (i) intimidate or coerce a civilian population;

 (ii) influence the policy of a government by intimidation or coercion; or

 (iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; and

 (c) occurs primarily within the territorial jurisdiction of this State;

 (7) a crime involving a violation of Chapter 1, Title 35 of the Uniform Securities Act, or a crime related to securities fraud or a violation of the securities laws;

 (8) a crime involving obscenity including, but not limited to, a crime as provided in Article 3, Chapter 15, Title 16 or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving obscenity;

 (9) a crime involving the knowing and wilful making of, aiding and abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in an affidavit regarding an alien’s lawful presence in the United States, as defined by law, if the number of violations exceeds twenty or if the public benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;

 (10) a crime involving financial identity fraud or identity fraud involving the false, fictitious, or fraudulent creation or use of documents used in an immigration matter as defined in Section 16‑13‑525, if the number of violations exceeds twenty, or if the value of the ascertainable loss of money or property suffered by a person or persons from a violation or combination of violations exceeds twenty thousand dollars;

 (11) a crime involving the knowing and wilful making of, aiding or abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in a document prepared or executed as part of the provision of immigration assistance services in an immigration matter, as defined by law, if the number of violations exceeds twenty, or if a benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars; and

 (12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages including, but not limited to, the cost of remediation, are two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental Control. If the knowing and wilful crime is a violation of federal law, then a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section.

 (B) Whenever the Attorney General and the Chief of the South Carolina Law Enforcement Division consider it necessary and normal investigative or prosecutorial procedures are not adequate, the Attorney General may petition in writing to the chief administrative judge of the judicial circuit in which he seeks to impanel a state grand jury for an order impaneling a state grand jury. This judge is referred to in this article as the impaneling judge. The petition must allege the type of offenses to be inquired into and, in the case of those offenses contained in subsection (A)(1), must allege that these offenses may be of a multi‑county nature or have transpired or are transpiring or have significance in more than one county of the State. The petition in all instances must specify that the public interest is served by the impanelment.

 (C) In all investigations of crimes specified in subsection (A)(9), except in matters where the Department of Health and Environmental Control or its officers or employees are the subjects of the investigation, the Commissioner of the Department of Health and Environmental Control must consult with and, after investigation, provide a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division. The Attorney General and the Chief of the South Carolina Law Enforcement Division must consider the impaneling of a state grand jury necessary before the Attorney General presents a petition, which includes the commissioner’s written recommendation, to the chief administrative judge pursuant to Section 14‑7‑1630(B).

 (1) In the case of evidence brought to the attention of the Attorney General, the Chief of the South Carolina Law Enforcement Division, or the Department of Health and Environmental Control by an employee or former employee of the alleged violating entity, there also must be separate, credible evidence of the violation in addition to the testimony or documents provided by the employee or former employee of the alleged violating entity.

 (2) When an individual employee performs a criminal violation of the environmental laws that results in actual and substantial harm pursuant to subsection (A)(9) and which prompts an investigation authorized by this article, only the individual employee is subject to the investigation unless or until there is separate, credible evidence that the individual’s employer knew of, concealed, directed, or condoned the employee’s action.

 (D) The impaneling judge, after due consideration of the petition, may order the impanelment of a state grand jury in accordance with the petition for a term of twelve calendar months. Upon petition by the Attorney General, the then chief administrative judge of the judicial circuit in which a state grand jury was impaneled, by order, may extend the term of that state grand jury for a period of six months but the term of that state grand jury, including an extension of the term, shall not exceed two years.

 (E) The chief administrative judge of the circuit wherein a state grand jury is sitting shall preside over that state grand jury during his tenure as chief administrative judge. The successor chief administrative judge shall assume all duties and responsibilities with regard to a state grand jury impaneled before his term including, but not limited to, presiding over the state grand jury and ruling on petitions to extend its term. This judge is referred to in this article as the presiding judge.

 (F) The presiding judge may discharge a state grand jury prior to the end of its original term or an extension of the term, upon a determination that its business has been completed or upon the request of the Attorney General.

 (G) If, at any time within the original term of a state grand jury or an extension of the term, the presiding judge determines that the state grand jury is not conducting investigative activity within its jurisdiction or proper investigative activity, the presiding judge may limit the investigation so that the investigation conforms with the jurisdiction of the state grand jury and existing law or he may discharge the state grand jury. An order issued pursuant to this subsection or pursuant to subsection (F) does not become effective less than ten days after the date on which it is issued and actual notice given to the Attorney General and the foreman of the state grand jury, and may be appealed by the Attorney General to the Supreme Court. If an appeal from the order is made, the state grand jury, except as is otherwise ordered by the Supreme Court, shall continue to exercise its powers pending disposition of the appeal.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1989 Act No. 2, Section 3, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992; 2002 Act No. 339, Section 7, eff July 2, 2002; 2003 Act No. 78, Section 1, eff June 4, 2003; 2004 Act No. 208, Section 2, eff April 26, 2004; 2005 Act No. 75, Section 2, eff May 24, 2005; 2007 Act No. 82, Section 3, eff June 12, 2007; 2008 Act No. 280, Section 14, eff June 4, 2008.

**SECTION 14‑7‑1640.** Indictment by state grand jury; power and duties of state grand jury.

 A state grand jury may return indictments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it must be certified and transferred for prosecution to the county where the offense was committed in accordance with Section 14‑7‑1750. The powers and duties of and the law applicable to county grand juries apply to a state grand jury, except when these are inconsistent with the provisions of this article.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1650.** Duties and obligations of Attorney General.

 (A) The Attorney General or his designee shall attend sessions of a state grand jury and shall serve as its legal advisor. The Attorney General or his designee shall examine witnesses, present evidence, and draft indictments and reports upon the direction of a state grand jury.

 (B) In all investigations of the crimes specified in Section 14‑7‑1630, except in matters where the solicitor(s) or his staff are the subject(s) of such investigation, the Attorney General shall consult with the appropriate solicitor(s) of the jurisdiction(s) where the crime or crimes occurred. After consultation, the Attorney General shall determine whether the investigation should be presented to a county grand jury or whether to petition, under Section 14‑7‑1630(B), for a state grand jury investigation.

 (C) Where it is determined that a conflict of interest disqualifies a solicitor or the Attorney General from participation in a state grand jury investigation and prosecution, the following shall apply:

 (1) in the case of a solicitor, the Attorney General shall conduct such investigation and prosecution unless the Attorney General and a solicitor not so disqualified concur in the appointment by the Attorney General of the eligible solicitor as a designee of the Attorney General pursuant to Sections 14‑7‑1650 and 14‑7‑1750;

 (2) in the case of the Attorney General’s disqualification, the matter shall be referred to a solicitor for investigation and prosecution.

 Any doubt regarding disqualification shall be resolved by the presiding judge of the state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1660.** Selection of grand jurors.

 In the January following the effective date of this article and each January thereafter, the jury commissioners for each county shall proceed to draw at random from the jury box the name of one person for each one thousand residents or fraction thereof of the county as determined by the latest United States census but following the effective date of this article, the impaneling judge may authorize an interim procedure for the selection of state grand jurors to constitute the first state grand jury established pursuant to this article. The jury commissioners shall not disqualify or excuse any individual whose name is drawn. When the list is compiled, the clerk of court shall forward the list to the person designated as the clerk of the state grand jury by the impaneling judge. Upon receipt of all the lists from the clerks of court, the clerk of the state grand jury shall draw therefrom at random a list of seven hundred eligible state grand jurors, this list to be known as the master list. The clerk of the state grand jury shall mail to every person whose name is drawn a juror qualification form, the form and the manner of qualifying potential state grand jurors to be determined by the Supreme Court. Based upon these inquiries, the presiding judge shall determine whether an individual is unqualified for, or exempt, or to be excused from jury service. The clerk of the state grand jury shall prepare annually a jury list of persons qualified to serve as state grand jurors, this list to be known as the qualified state grand jury list. No state grand juror may be excused or disqualified except in accordance with existing law.

 Upon the impaneling judge ordering a term of a state grand jury on petition of the Attorney General, the clerk of the state grand jury, upon the random drawing of the names of sixty persons from the qualified jury list, shall summon these individuals to attend the jury selection process for the state grand jury. The jury selection process must be conducted by the presiding judge. The clerk of the state grand jury shall issue his writ of venire facias for these persons, requiring their attendance at the time designated. The writ of venire facias must be delivered immediately to the sheriff of the county where the person resides and served as provided by law. From the sixty persons so summoned, a state grand jury for that term of eighteen persons plus four alternates must be drawn in the same manner as jurors are drawn for service on the county grand jury. Nothing in this section may be construed to limit the right of the Attorney General or his designee to request that a potential state grand juror be excused for cause. Jurors of a state grand jury shall receive a daily subsistence expense equal to the maximum allowable for the Columbia, South Carolina area, by regulation of the Internal Revenue Code when summoned or serving, and also must be paid the same per diem and mileage as are members of state boards, commissions, and committees.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1989 Act No. 2, Section 4, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1670.** Appointment of foreman and deputy foreman.

 The presiding judge shall appoint one of the jurors to be foreman and another to be deputy foreman. During the absence of the foreman, the deputy foreman shall act as foreman.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1680.** Issuance of subpoenas and subpoenas duces tecum; contempt for failure to respond.

 The clerk of the state grand jury, upon the request of the Attorney General or his designee, shall issue subpoenas or subpoenas duces tecum to compel individuals, documents, or other materials to be brought from anywhere in this State to a state grand jury. In addition, a state grand jury may proceed in the same manner as provided by the subpoena rules of the South Carolina Rules of Civil Procedure and Sections 19‑9‑10 through 19‑9‑130, except where either is inconsistent with the provisions of this article; provided the subpoena rules of the South Carolina Rules of Civil Procedure and Sections 19‑9‑10 through 19‑9‑130 are not considered a limitation upon this section, but supplemental thereto. The subpoenas and subpoenas duces tecum may be for investigative purposes and for the retention of documents or other materials so subpoenaed for proper criminal proceedings. Any law enforcement officer with appropriate jurisdiction is empowered to serve these subpoenas and subpoenas duces tecum and receive these documents and other materials for return to a state grand jury. Any person violating a subpoena or subpoena duces tecum issued pursuant to this article, or who fails to fully answer all questions put to him before proceedings of a state grand jury where the response thereto is not privileged or otherwise protected by law, including the granting of immunity as authorized by Section 14‑7‑1760, may be punished by the presiding judge for contempt. To this end, where the violation or failure to answer is alleged to have occurred, the Attorney General or his designee may petition the presiding judge to compel compliance by the person alleged to have committed the violation or who has failed to answer. If the presiding judge considers compliance is warranted, he may order this compliance and may punish the individual for contempt where the compliance does not occur.

 The clerk of the state grand jury also may issue subpoenas and subpoenas duces tecum to compel individuals, documents, or other materials to be brought from anywhere in this State to the trial of any indictment returned by a state grand jury or the trial of any civil forfeiture action arising out of an investigation conducted by a state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1690.** Expanding Grand Jury’s areas of inquiry; procedure.

 Once a state grand jury has entered into a term, the petition and order establishing same may be amended as often as necessary and appropriate so as to expand the areas of inquiry authorized by the order or to add additional areas of inquiry thereto. The procedures for amending this authority are the same as those for filing the original petition and order.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1700.** Record of testimony and other proceedings of grand jury; furnishing of copy to defendant; transcripts, reporter’s notes and all other documents to remain in custody and control of attorney general.

 A court reporter shall record, either stenographically or by use of an electronic recording device, all proceedings except when a state grand jury is deliberating or voting. Subject to the limitations of Section 14‑7‑1720(A) and (D) and Rule 5, South Carolina Rules of Criminal Procedure, a defendant has the right to review and to reproduce the stenographically or electronically recorded materials. Transcripts of the recorded testimony or proceedings must be made when requested by the Attorney General or his designee. Subject to the limitations of Section 14‑7‑1720(A) and (D) and Rule 5, South Carolina Rules of Criminal Procedure, a copy of the transcript of the recorded testimony or proceedings requested by the Attorney General or his designee shall be provided to the defendant by the court reporter, upon request, at the transcript rate established by the Office of Court Administration. An unintentional failure of any recording to reproduce all or any portion of the testimony or proceedings does not affect the validity of the prosecution. The recording or reporter’s notes or any transcript prepared therefrom and all books, papers, records, correspondence, or other documents produced before a state grand jury must remain in the custody and control of the Attorney General or his designee unless otherwise ordered by the court in a particular case.

HISTORY: 1987 Act No. 150 Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1989 Act No. 2, Section 5, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1710.** Administrating oath or affirmation by foreman.

 The foreman shall administer an oath or affirmation in the manner prescribed by law to any witness who testifies before a state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1720.** Proceedings to be secret; juror not to disclose; persons entitled to attend grand jury session; persons attending not to disclose; exceptions; penalties.

 (A) State grand jury proceedings are secret, and a state grand juror shall not disclose the nature or substance of the deliberations or vote of the state grand jury. The only persons who may be present in the state grand jury room when a state grand jury is in session, except for deliberations and voting, are the state grand jurors, the Attorney General or his designee, the court reporter, an interpreter if necessary, and the witness testifying. A state grand juror, the Attorney General or his designee, any interpreter used, the court reporter, and any person to whom disclosure is made pursuant to subsection (B)(2) of this section may not disclose the testimony of a witness examined before a state grand jury or other evidence received by it except when directed by a court for the purpose of:

 (1) ascertaining whether it is consistent with the testimony given by the witness before the court in any subsequent criminal proceeding;

 (2) determining whether the witness is guilty of perjury;

 (3) assisting local, state, other state or federal law enforcement or investigating agencies, including another grand jury, in investigating crimes under their investigative jurisdiction;

 (4) providing the defendant the materials to which he is entitled pursuant to Section 14‑7‑1700;

 (5) complying with constitutional, statutory, or other legal requirements or to further justice.

 If the court orders disclosure of matters occurring before a state grand jury, the disclosure must be made in that manner, at that time, and under those conditions as the court directs.

 (B) In addition, disclosure of testimony of a witness examined before a state grand jury or other evidence received by it may be made without being directed by a court to:

 (1) the Attorney General or his designee for use in the performance of their duties; and

 (2) those governmental personnel, including personnel of the State or its political subdivisions, as are considered necessary by the Attorney General or his designee to assist in the performance of their duties to enforce the criminal laws of the State; provided that any person to whom matters are disclosed under this item (2) shall not utilize that state grand jury material for purposes other than assisting the Attorney General or his designee in the performance of their duties to enforce the criminal laws of the State. The Attorney General or his designee promptly shall provide the presiding judge before whom was impaneled the state grand jury whose material has been disclosed, the names of the persons to whom the disclosure has been made, and shall certify that he has advised these persons of their obligation of secrecy under this section.

 (C) Nothing in this section affects the attorney‑client relationship. A client has the right to communicate to his attorney any testimony given by the client to a state grand jury, any matters involving the client discussed in the client’s presence before a state grand jury, and evidence involving the client received by or proffered to a state grand jury in the client’s presence.

 (D) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding five thousand dollars or by a term of imprisonment not exceeding one year, or both.

 (E) State grand jurors, the Attorney General or his designee, the court reporter, any interpreter used, and the clerk of the state grand jury must be sworn to secrecy and also may be punished for criminal contempt for violations of this section.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution; 1989 Act No. 2, Section 6, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1730.** Jurisdiction of presiding judge.

 Except for the prosecution of cases arising from indictments issued by the state grand jury, the presiding judge has jurisdiction to hear all matters arising from the proceedings of a state grand jury, including, but not limited to, matters relating to the impanelment or removal of state grand jurors, the quashing of subpoenas, the punishment for contempt, and the matter of bail for persons indicted by a state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1740.** Scheduling of activities of state grand jury.

 The Attorney General or his designee shall coordinate the scheduling of activities of any state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1750.** Indictment by state grand jury; sealed indictment.

 In order to return a “true bill” of indictment, twelve or more state grand jurors must find that probable cause exists for the indictment and vote in favor of it. Upon indictment by a state grand jury, the indictment must be returned to the presiding judge. If the presiding judge considers the indictment to be within the authority of the state grand jury and otherwise in accordance with the provisions of this article, he shall return the indictment by order to the county where venue is appropriate under South Carolina law for prosecution by the Attorney General or his designee. The presiding judge may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial. Thereupon, the clerk of the state grand jury shall seal the indictment, and no person shall disclose the return of the indictment except when necessary for the issuance and execution of a warrant.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1989 Act No. 2, Section 7, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1760.** Evidence given or information derived from evidence not to be received against witness in criminal prosecution; waiver of immunity; perjury.

 If any person asks to be excused from testifying before a state grand jury or from producing any books, papers, records, correspondence, or other documents before a state grand jury on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty or forfeiture and is notwithstanding directed by the presiding judge to give the testimony or produce the evidence, he must comply with this direction, but no testimony so given or other information produced, or any information directly or indirectly derived from such testimony or such other information, may be received against him in any criminal action, criminal investigation, or criminal proceeding. No individual testifying or producing evidence or documents is exempt from prosecution or punishment for any perjury committed by him while so testifying, and the testimony or evidence given or produced is admissible against him upon any criminal action, criminal investigation, or criminal proceeding concerning this perjury; provided that any individual may execute, acknowledge, and file a statement with the appropriate court expressly waiving immunity or privilege in respect to any testimony or evidence given or produced and thereupon the testimony or evidence given or produced may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise, and if so received or produced, the individual is not entitled to any immunity or privilege on account of any testimony he may give or evidence produced.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1770.** Sealing of records, orders, and subpoenas.

 Records, orders, and subpoenas relating to state grand jury proceedings must be kept under seal to the extent and for that time as is necessary to prevent disclosure of matters occurring before a state grand jury.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1780.** Availability of space for grand jury; State Law Enforcement Division to provide services; cost of state grand juries.

 The Attorney General shall make available suitable space for state grand juries to meet. The State Law Enforcement Division also shall provide service as the state grand juries require. The other costs associated with the state grand jury system, including juror per diem, mileage, and subsistence must be paid from funds appropriated to the Attorney General’s office for this purpose by the General Assembly in the annual general appropriations act. Nothing herein authorizes the Attorney General to expend general funds above the level of appropriations authorized annually in the general appropriations act or acts supplemental thereto.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1790.** Employment of experts by state grand jury.

 A state grand jury, whenever it considers necessary, may employ experts to assist it and fix the amount of compensation or per diem to be paid therefor, upon the approval of the presiding judge as to the amount being given before any expert is employed and upon appropriation of sufficient funds therefor by the General Assembly as provided in Section 14‑7‑1780.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1800.** Rules for operation of state grand jury system.

 The Supreme Court may promulgate rules as are necessary for the operation of the state grand jury system established herein.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1810.** Severability clause.

 If any part of this article is declared invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, it is hereby declared severable from the remaining portions of this article which portions shall remain in full force and effect as if the invalid, unenforceable, or unconstitutional portion were omitted.

HISTORY: 1987 Act No. 150, Section 1, eff from and after February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution); 1992 Act No. 335, Section 1, eff May 4, 1992.

**SECTION 14‑7‑1820.** Application of article.

 This article applies to offenses committed both before and after its effective date.

HISTORY: 1989 Act No. 2, Section 2, eff February 8, 1989 (the date the amendments to Article I, Section 11, and Article V, Section 22, of the South Carolina Constitution were ratified and declared to be part of the Constitution; See 1989 Act No. 5, Sections 1 and 2, 1989 Act No. 7, Section 1, and 1989 Act No. 8, Section 1.); 1992 Act No. 335, Section 1, eff May 4, 1992.

ARTICLE 17

Alternative Method of Selecting and Impaneling Grand Juries

**SECTION 14‑7‑1910.** Six month terms with possible additional term; drawing of member names; maximum terms.

 (A) Grand jurors shall serve terms of six months and may be held over for one additional six‑month term.

 (B) During the last term of the court of general sessions held in each county before December thirty‑first of each year, the clerk of court shall randomly draw from the twelve members serving their first six‑month term on the grand jury the names of six of the grand jurors who have not served two consecutive six‑month terms. Those six members together with twelve grand jurors selected in the manner prescribed in this article shall constitute the grand jury for the six‑month period beginning on January first of the succeeding year and ending on June thirtieth of that year.

 (C) During the last term of the court of general sessions held in each county before July first of each year, the clerk of court shall randomly draw from the twelve members serving their first six‑month term on the grand jury the names of six of the grand jurors who have not served two consecutive six‑month terms. Those six members together with twelve grand jurors selected in the manner prescribed in this article shall constitute the grand jury for the ensuing period beginning on July first and ending on December thirty‑first of that year.

 (D) The drawing of these names by the clerk of court has the same force and effect as if the names of the six grand jurors had been drawn in the presence of the presiding judge.

 (E) No person shall serve as a grand juror for more than two consecutive six‑month terms.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1920.** Impanelment of grand jurors; issuance and delivery of writs of venire facias.

 Not less than fifteen days before the convening of the first term of the court of general sessions on or after January first and July first of each year, the jury commissioners shall proceed to draw from the jury box the number of grand jurors which the clerk of court or chief administrative judge for the circuit has determined to be sufficient in order to impanel a grand jury. The grand jurors must be randomly drawn and listed as are jurors for trials, and the jury commissioners shall not disqualify or excuse any juror drawn. Immediately after these grand jurors are drawn, the clerk of court shall issue writs of venire facias for these grand jurors, requiring their attendance on the first day of the first week of criminal court in the county on or after January first or July first of each year or at such other time as the clerk of court may designate. These writs of venire facias must be delivered immediately to the sheriff of the county or otherwise served as provided by law.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1930.** Judge to ascertain juror qualifications; lists of excused or disqualified jurors; jurors not served with writs.

 On the first day of the term of court on or after January first and July first of each year, the presiding judge shall ascertain the qualifications of those jurors as have appeared pursuant to the writs of venire facias. No juror may be excused or disqualified except in accordance with existing law as determined by the presiding judge. The clerk of court shall maintain a list of all jurors who are excused or disqualified by the presiding judge and state the reasons given by the presiding judge for excusing or disqualifying the jurors. The sheriff of the county also shall report to the presiding judge the names of those persons who were not served with writs of venire facias, and that reasonable effort was made to obtain service. The clerk of court shall maintain a list of the jurors who were not served with the writs of venire facias and the reasons service was not effected.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1940.** Drawing of grand juror and alternate names; discharge of remaining jury venire.

 After the grand jury venire has been duly qualified by the presiding judge, the clerk of court shall place the names of all qualified grand jurors in a container from which twelve grand jurors must be chosen. The clerk of court shall randomly draw twelve jurors from the container, and those twelve jurors drawn shall serve as grand jurors, together with those grand jurors selected as provided under Section 14‑7‑1910. The clerk of court shall randomly draw three or more additional jurors, with those three or more jurors serving as alternate grand jurors in the event one or more of the original grand jurors are incapacitated, excused, or disqualified during their term. The names of the alternate grand jurors must be kept separate and numbered in the order drawn and in this order, unless excused by the presiding judge, shall serve when necessary. The remainder of the grand jury venire may be discharged.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1950.** Application of other law relating to grand juries and jurors.

 Except for the alternative method of selecting and impaneling grand jurors as provided in this article, all other provisions of law relating to grand juries and grand jurors shall continue to apply.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1960.** Election of alternate provisions by county ordinance.

 A county governing body, by ordinance, may elect to use the provisions of this article as the method of selecting and impaneling grand juries and grand jurors in that county based on its determination that grand jury case loads, length of time persons must serve as grand jurors, and other similar concerns require this alternative method.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.

**SECTION 14‑7‑1970.** Periodic exemption of jurors from subsequent duty.

 A person completing service as a grand juror under the alternative method provided by this article, including any service as a holdover grand juror, is exempt from any further jury service in any court of this State for a period of five calendar years.

HISTORY: 1998 Act No. 373, Section 2, eff May 26, 1998.