

Session 118 - (2009-2010)

H 3563 General Bill, By M.A. Pitts, Vick, Bedingfield, Crawford, Hardwick, G.R. Smith, Duncan, Pinson, Toole, A.D. Young, Hamilton, Nanney, Lowe, Rice, Spires, Umphlett, Willis and Wylie

Summary: Post-conviction relief actions

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-27-75 SO AS TO REQUIRE THE COURT TO DISMISS A POST-CONVICTION RELIEF ACTION THAT IS SUCCESSIVE OR ON THE GROUNDS OF MISUSE OF PROCESS, TO DEFINE MISUSE OF PROCESS, AND TO ALLOW THE COURT TO PENALIZE THE APPLICANT BY REDUCING CERTAIN CREDITS GRANTED BY THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTIONS 17-27-20 AND 17-27-45, RELATING TO PERSONS WHO MAY INSTITUTE A POST-CONVICTION RELIEF ACTION AND FILING PROCEDURES, RESPECTIVELY, SO AS TO ELIMINATE THE PROVISIONS ALLOWING AN ACTION WHEN MATERIAL EVIDENCE WAS NOT PREVIOUSLY PRESENTED OR HEARD; TO AMEND SECTION 17-27-70, RELATING TO COURT PROCEDURES FOR POST-CONVICTION RELIEF APPLICATIONS, SO AS TO REQUIRE THE COURT TO DISMISS ACTIONS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 17-27-80, RELATING TO HEARINGS ON A POST-CONVICTION RELIEF APPLICATION AND FINAL JUDGMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 17-27-160, RELATING TO POST-CONVICTION RELIEF PROCEDURES IN CAPITAL CASES, SO AS TO CHANGE AND STREAMLINE THE PROCEDURES FOR FILING A POST-CONVICTION RELIEF ACTION AND SHORTEN THE TIME IN WHICH A HEARING MUST BE HELD.

02/18/09 House Introduced and read first time HJ-22

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