

Session 112 - (1997-1998)

H 3825 General Bill, By J. Smith, Cobb-Hunter, J.L.M. Cromer, Harrell, J.H. Hodges, J.H. Neal and Pinckney

A BILL TO AMEND SECTION 20-3-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INJUNCTIONS IN DIVORCE SUITS, SO AS TO PERMIT COURTS OF COMPETENT JURISDICTION TO PROVIDE FOR THE ARREST, OR DETENTION UPON REASONABLE SUSPICION, OF PERSONS VIOLATING OR THREATENING VIOLATION OF INJUNCTIONS PROTECTING PARTIES FROM INTERFERENCE, MOLESTATION, OR HARM, AND TO PROVIDE FOR PROSECUTION OF ACTS, OMISSIONS, AND CONDUCT OF A PERSON IN VIOLATION OF INJUNCTIONS THAT ALSO VIOLATE THE CRIMINAL OR PENAL LAWS OF THIS STATE, TO PROVIDE FOR TRANSFER OF JURISDICTION OF THOSE VIOLATIONS OF INJUNCTIONS THAT ALSO VIOLATE THE CRIMINAL LAW OF THIS STATE TO COURTS OF COMPETENT CRIMINAL JURISDICTION FOR PROSECUTION, AND TO PROVIDE FOR PUNISHMENT FOR CONTEMPT THAT MAY BE IMPOSED BY THE COURT ISSUING THE INJUNCTION SO LONG AS NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY; TO AMEND SECTION 16-3-1700, RELATING TO THE DEFINITION OF HARASSMENT, SO AS TO INCLUDE THE VIOLATION OF FAMILY COURT INJUNCTIONS ISSUED UNDER THE AUTHORITY OF SECTION 20-3-110 WITHIN THE DEFINITION OF HARASSMENT AND TO PROVIDE THAT HARASSMENT DOES NOT INCLUDE LICENSED PRIVATE DETECTIVES PERFORMING AUTHORIZED DUTIES IN A LAWFUL MANNER, TO AMEND SECTION 16-3-1750, RELATING TO JURISDICTION FOR ACTIONS SEEKING RESTRAINING ORDERS AGAINST PERSONS ENGAGING IN HARASSMENT, SO AS TO PROVIDE MAGISTRATE'S COURTS WITH CONCURRENT JURISDICTION TO RESTRAIN CONDUCT IN VIOLATION OF EXISTING INJUNCTIONS ISSUED BY FAMILY COURTS UNDER THE AUTHORITY OF SECTION 20-3-110; TO AMEND SECTION 16-3-1760, RELATING TO TEMPORARY RESTRAINING ORDERS THAT MAY BE GRANTED BY MAGISTRATES' COURTS WITHOUT NOTICE, SO AS TO PROVIDE THAT PROOF OF THE VIOLATION OF PROVISIONS OF AN EXISTING FAMILY COURT INJUNCTION ISSUED UNDER THE AUTHORITY OF SECTION 20-3-110 CONSTITUTES GOOD CAUSE FOR A MAGISTRATE'S COURT TO ISSUE A TEMPORARY RESTRAINING ORDER WITHOUT NOTICE; TO AMEND SECTION 16-3-1770, RELATING TO THE FORM AND CONTENT OF TEMPORARY RESTRAINING ORDERS, SO AS TO PROVIDE FOR THE FORM AND CONTENT OF TEMPORARY RESTRAINING ORDERS REQUIRING A PERSON TO REFRAIN FROM VIOLATING AN EXISTING INJUNCTION ISSUED BY A FAMILY COURT UNDER SECTION 20-3-110, AND TO REQUIRE MAGISTRATES ISSUING SUCH RESTRAINING ORDERS TO REPORT THEIR ACTIONS TO THE FAMILY COURT ISSUING THE PRIOR INJUNCTION; AND BY ADDING SECTION 16-3-1850 SO AS TO PRESERVE THE JURISDICTION OF FAMILY COURTS TO PUNISH VIOLATORS AND TO OTHERWISE ENFORCE INJUNCTIONS ISSUED BY THE FAMILY COURTS, AND TO PROVIDE FOR PROSECUTION OF CRIMINAL OFFENSES WITHIN THE JURISDICTION OF MAGISTRATES' COURTS THAT ALSO CONSTITUTE VIOLATIONS OF CERTAIN PROVISIONS OF FAMILY COURT INJUNCTIONS PROVIDED NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY.

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