

## Session 116 - (2005-2006)

### S 0410 General Bill, By Fair and Malloy

*Similar (H 3483)*

**Summary:** Post-conviction relief proceedings

A BILL TO AMEND SECTION 17-27-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POST-CONVICTION RELIEF FILINGS, SO AS TO PROVIDE THAT A FEE IS NOT REQUIRED FOR AN INITIAL FILING FOR POST-CONVICTION RELIEF; TO AMEND SECTION 17-27-50, RELATING TO THE FORM AND CONTENTS OF AN APPLICATION FOR POST-CONVICTION RELIEF, SO AS TO PROVIDE THAT THE APPLICATION MUST PROVIDE A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS FILED AN APPLICATION FOR POST-CONVICTION RELIEF OR A PETITION FOR HABEAS CORPUS RELATING TO HIS PRESENT INCARCERATION, REQUIRE THE APPLICANT TO ATTACH A COPY OF HIS INMATE TRUST ACCOUNT BALANCE UNDER CERTAIN CIRCUMSTANCES, AND MUST CONTAIN A PROVISION THAT STATES THAT A NONMERITORIOUS FUTURE APPLICATION FOR POST-CONVICTION RELIEF MAY RESULT IN THE APPLICANT'S LOSS OF WORK CREDITS, EDUCATION CREDITS, GOOD TIME CREDITS, AND INMATE TRUST FUNDS; BY ADDING SECTION 17-27-65 SO AS TO PROVIDE A PROCEDURE FOR A PRISONER TO PAY THE FILING FEES ASSOCIATED WITH AN ACTION FOR POST-CONVICTION RELIEF AND TO EXEMPT CERTAIN PRISONERS FROM PAYING THE FILING FEE; AND BY ADDING SECTION 17-27-68 SO AS TO PROVIDE PENALTIES FOR A PRISONER WHOSE APPLICATION FOR POST-CONVICTION RELIEF IS DETERMINED TO BE FRIVOLOUS.

**02/03/05** Senate **Introduced and read first time SJ-6**

**02/03/05** Senate **Referred to Committee on Judiciary SJ-6**

**02/10/05** Senate **Referred to Subcommittee: Hawkins (ch), Cromer, Sheheen, Lourie**