

Session 117 - (2007-2008)

S*0446 (Rat #0154, Act #0108 of 2007) General Bill, By Malloy, McConnell, Ford, Rankin, Knotts, Cleary, Anderson, Vaughn, Hawkins, Scott, Williams, Drummond, Mescher, Thomas, Short, Hutto, Leatherman, Richardson, Leventis, Elliott, Patterson, Pinckney, Land, Lourie, Jackson, Peeler, Sheheen, Moore and McGill

Summary: Indigent Defense Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "INDIGENT DEFENSE ACT" BY ADDING SECTION 17-3-5 SO AS TO DEFINE CERTAIN TERMS FOR PURPOSES OF THE CHAPTER; BY ADDING ARTICLE 5 TO CHAPTER 3, TITLE 17 SO AS TO ESTABLISH CIRCUIT PUBLIC DEFENDER SELECTION PANELS, PROVIDE FOR THEIR MEMBERSHIP AND RESPONSIBILITIES RELATED TO THE APPOINTMENT OF CIRCUIT PUBLIC DEFENDERS, PROVIDE ELIGIBILITY REQUIREMENTS FOR CIRCUIT PUBLIC DEFENDERS AND ESTABLISH THEIR DUTIES, AND AUTHORIZE THE CIRCUIT PUBLIC DEFENDERS TO EMPLOY CHIEF COUNTY PUBLIC DEFENDERS AND OTHER NECESSARY PERSONNEL; TO AMEND SECTION 17-3-30, RELATING TO THE AFFIDAVIT REGARDING A PERSON'S INABILITY TO EMPLOY COUNSEL AND PAYMENT OF AN INDIGENT PERSON'S ASSETS TO THE STATE, SO AS TO PROVIDE THOSE ASSETS ARE TO BE PAID TO THE GENERAL FUND OF THE STATE; TO AMEND SECTION 17-3-50, RELATING TO FEES FOR APPOINTED COUNSEL AND PUBLIC DEFENDERS, SO AS TO DELETE OBSOLETE LANGUAGE REGARDING THE APPOINTMENT OF COUNSEL IN ACCORDANCE WITH A PLAN PROMULGATED BY THE BAR OF EACH COUNTY; TO AMEND SECTION 17-3-90, RELATING TO PAYMENT VOUCHERS FOR PRIVATE, APPOINTED COUNSEL, SO AS TO MAKE CONFORMING CHANGES AND TO AUTHORIZE THE OFFICE OF INDIGENT DEFENSE TO PRESENT THE VOUCHER TO THE TRIAL JUDGE FOR APPROVAL; TO AMEND ARTICLE 3, CHAPTER 3, TITLE 17, RELATING TO THE COMMISSION ON INDIGENT DEFENSE, SO AS TO MAKE CONFORMING CHANGES TO THE ARTICLE IN RELATION TO THE ADDITION OF ARTICLE 5; TO AMEND SECTIONS 9-8-10, AS AMENDED, 9-8-20, 9-8-40, 9-8-50, AS AMENDED, 9-8-60, AS AMENDED, 9-8-110, AS AMENDED, 9-8-120, AS AMENDED, AND 9-8-125, ALL RELATING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE CIRCUIT PUBLIC DEFENDERS AND ALLOW CERTAIN MEMBERS OF THAT SYSTEM ELIGIBLE TO RETIRE TO RECEIVE RETIREMENT BENEFITS WHILE CONTINUING TO SERVE; AND TO REPEAL SECTION 17-3-60 RELATING TO PROCEDURES FOR ESTABLISHING PUBLIC DEFENDER SYSTEMS IN COUNTIES AND SECTION 17-3-70 RELATING TO APPROPRIATIONS FOR MAINTENANCE OF DEFENDER CORPORATIONS AND COMPENSATION OF APPOINTED COUNSEL. - ratified title

02/14/07	Senate	Introduced and read first time SJ-5
02/14/07	Senate	Referred to Committee on Judiciary SJ-5
02/16/07	Senate	Referred to Subcommittee: Malloy (ch), Ford, Rankin, Knotts, Cleary
04/04/07	Senate	Committee report: Favorable with amendment Judiciary SJ-5
04/05/07		Scrivener's error corrected
04/05/07	Senate	Amended SJ-23
04/05/07	Senate	Read second time SJ-23
04/09/07		Scrivener's error corrected
04/10/07	Senate	Read third time and sent to House SJ-11
04/11/07	House	Introduced and read first time HJ-16
04/11/07	House	Referred to Committee on Judiciary HJ-17
05/15/07	House	Committee report: Favorable with amendment Judiciary HJ-15
05/16/07	House	Amended HJ-144
05/16/07	House	Read second time HJ-154
05/17/07	House	Reconsider vote whereby read second time HJ-19
05/17/07	House	Amended HJ-34
05/17/07	House	Read second time HJ-36
05/17/07	House	Unanimous consent for third reading on next legislative day HJ-36
05/18/07	House	Read third time and returned to Senate with amendments HJ-5
05/18/07		Scrivener's error corrected
05/22/07	Senate	House amendment amended SJ-41
05/22/07	Senate	Returned to House with amendments SJ-41
05/23/07		Scrivener's error corrected
05/24/07	House	Non-concurrence in Senate amendment HJ-51

05/29/07 Senate Senate insists upon amendment and conference committee appointed Rankin, Ryberg, and Malloy SJ-18

05/30/07 House Conference committee appointed Reps. GM Smith, WD Smith, and Rutherford HJ-11

06/07/07 House Conference report received and adopted HJ-78

06/07/07 Senate Conference report adopted SJ-27

06/07/07 House Ordered enrolled for ratification HJ-156

06/12/07 Ratified R 154

06/14/07 Scrivener's error corrected

06/18/07 Vetoed by Governor

06/21/07 Senate Veto overridden by originating body Yeas-43 Nays-1

06/21/07 House Veto overridden Yeas-76 Nays-18 HJ-77

06/27/07 Copies available

06/27/07 Effective date 06/21/07

07/06/07 Act No. 108