

Session 114 - (2001-2002)

H*4431 (Rat #0470, Act #0329 of 2002) General Bill, By Rodgers, Simrill, Meacham-Richardson and Gilham

Summary: Uniform court fee increases; domestic abuse, petitions for orders of protection, action may be brought in county in which alleged abuse occurred, criminal domestic violence arrest procedures

A BILL TO AMEND SECTION 20-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FAMILY COURT JURISDICTION AND VENUE FOR ACTIONS SEEKING AN ORDER OF PROTECTION FROM DOMESTIC ABUSE, SO AS TO REVISE WHERE AN ACTION MAY BE BROUGHT TO INCLUDE THE COUNTY IN WHICH THE ALLEGED ACT OF ABUSE OCCURRED AND THE COUNTY WHERE THE PETITIONER IS SHELTERED, TO SPECIFY WHERE AN ACTION MUST BE FILED IF THE RESPONDENT IS A NONRESIDENT, TO PROVIDE PROCEDURES FOR TRANSFERRING AN ACTION TO THE PROPER COUNTY, AND TO AUTHORIZE THE PETITION ON THE HEARING TO BE HELD IN ANY COUNTY IN THE CIRCUIT IN WHICH THE ACTION WAS FILED; TO AMEND SECTION 20-4-50, RELATING TO THE HEARING ON A PETITION FOR AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO DELETE THE PROVISION ALLOWING THESE HEARINGS TO BE SCHEDULED IN ANY COUNTY IN THE JUDICIAL CIRCUIT; TO AMEND SECTION 8-21-310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY CLERKS OF COURT, REGISTERS OF DEEDS, OR COUNTY TREASURERS, SO AS TO PROVIDE FOR UNIFORM FEE INCREASES; BY ADDING SECTION 14-1-203 SO AS TO PROVIDE A SCHEDULE FOR THE DISTRIBUTION OF THE REVENUE DERIVED FROM THE FEES, COSTS, AND ALLOWANCES ENUMERATED IN SECTION 20-7-1440; TO AMEND SECTION 14-1-204, RELATING TO THE DISTRIBUTION OF THE FILING FEE PAID FOR FILING COMPLAINTS OR PETITIONS IN CIVIL ACTIONS IN A COURT OF RECORD, SO AS TO INCREASE THE FEE FROM SEVENTY TO ONE HUNDRED DOLLARS AND TO RECALCULATE THE DISTRIBUTION OF THE REVENUE DERIVED FROM THE FEE; TO AMEND SECTION 20-7-1440, AS AMENDED, RELATING TO THE FEES, COSTS, AND ALLOWANCES CHARGED IN CERTAIN ACTIONS FOR SUPPORT OF A SPOUSE OR DEPENDENT CHILDREN, SO AS TO INCREASE THE AMOUNT OF THE COST OR FEE FROM THREE TO FIVE PERCENT AND TO PROVIDE THAT THE REVENUE MUST BE REMITTED IN ACCORDANCE WITH SECTION 14-1-203; TO AMEND SECTION 36-9-525, RELATING TO THE FEES CHARGED FOR FILING AND INDEXING CERTAIN RECORDS IN ACCORDANCE WITH TILE 36 OF THE 1976 CODE, SO AS TO RECALCULATE HOW THE FEE IS ASSESSED; TO AMEND SECTION 38-53-70, RELATING TO THE REMISSION OF A JUDGMENT OF FORFEITURE AGAINST A DEFENDANT OR HIS SURETY, SO AS TO PROVIDE THAT THE SURETY MUST PAY A HANDLING FEE TO THE COURT IN AN AMOUNT EQUAL TO FOUR PERCENT OF THE VALUE OF THE BOND; BY ADDING SECTION 8-21-320 SO AS TO ASSESS A TWENTY-FIVE-DOLLAR FEE FOR EVERY MOTION MADE IN THE COURT OF COMMON PLEAS AND FAMILY COURT, NOT INCLUDING FAMILY COURT JUVENILE DELINQUENCY PROCEEDINGS; TO AMEND SECTION 16-25-70, AS AMENDED, RELATING TO CRIMINAL DOMESTIC VIOLENCE ARREST PROCEDURES AND THE INADMISSIBILITY OF EVIDENCE RESULTING FROM A WARRANTLESS ARREST FOR CRIMINAL DOMESTIC VIOLENCE, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH SUCH EVIDENCE IS ADMISSIBLE.-amended title

12/19/01	House	Prefiled
12/19/01	House	Referred to Committee on Judiciary
01/08/02	House	Introduced and read first time HJ-41
01/08/02	House	Referred to Committee on Judiciary HJ-41
01/09/02	House	Member(s) request name added as sponsor: Gilham
01/30/02	House	Committee report: Favorable with amendment Judiciary HJ-6
02/06/02	House	Amended HJ-25
02/06/02	House	Read second time HJ-27
02/07/02	House	Read third time and sent to Senate HJ-16
02/12/02	Senate	Introduced and read first time SJ-10
02/12/02	Senate	Referred to Committee on Judiciary SJ-10
05/22/02	Senate	Committee report: Favorable with amendment Judiciary SJ-21
05/23/02	Senate	Amended SJ-88
05/28/02	Senate	Read second time SJ-72
06/05/02	Senate	Amended SJ-30
06/05/02	Senate	Read third time and returned to House with amendments SJ-30
06/06/02	House	Concurred in Senate amendment and enrolled HJ-32
06/06/02		Ratified R 470
06/18/02		Signed By Governor

07/16/02 **Effective date 06/18/02**
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