

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

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| 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 |

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| 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 |