**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3032**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hart

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Bond forfeiture

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑28

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑28

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3032_20081209.docx)

**A** **BILL**

TO AMEND SECTION 17‑15‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE OF BOND AND RECOGNIZANCE PROCEEDINGS, SO AS TO PROVIDE THAT THE STATE IS ENTITLED TO ESTREAT THE BOND OR RECOGNIZANCE ONE HUNDRED EIGHTY DAYS AFTER THE PERSON’S FAILURE TO APPEAR IN COURT AS REQUIRED BY LAW.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 17‑15‑170 of the 1976 Code is amended to read:

“Section 17‑15‑170. (A) ~~Whenever the~~ When a bond or recognizance is forfeited by noncompliance with ~~its~~ a condition of release, the Attorney General, solicitor, magistrate, or other person acting for him immediately shall issue a notice to summon every party bound in the forfeited bond or recognizance to appear at the next ensuing court to show cause, if he has ~~any~~ cause, why judgment should not be confirmed against him. If ~~any~~ a person so bound fails to appear or, upon appearing, does not give a reason for not performing the condition of the bond or recognizance as the court considers sufficient, then the judgment on the bond or recognizance is confirmed. A magistrate may confirm judgments of not more than the maximum fine allowable under Section 22‑3‑550 in addition to assessments.

(B) Notwithstanding the provisions of subsection (A), when a condition of bond or recognizance is violated by the person’s failure to appear in court as required by law, the State has the right to full estreatment of the bond or recognizance one hundred eighty days after the person failed to appear in court as required by law.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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