**South Carolina General Assembly**

118th Session, 2009-2010

**A269, R347, H4215**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrison, McLeod and Weeks

Document Path: l:\council\bills\agm\19506ahb10.docx

Introduced in the House on January 12, 2010

Introduced in the Senate on April 29, 2010

Last Amended on June 15, 2010

Passed by the General Assembly on June 15, 2010

Governor's Action: June 24, 2010, Signed

Summary: Appeals from Magistrate Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/17/2009 House Prefiled

11/17/2009 House Referred to Committee on **Judiciary**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑32

1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑33

2/25/2010 House Member(s) request name added as sponsor: McLeod

3/24/2010 House Committee report: Favorable **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑32

4/15/2010 House Member(s) request name added as sponsor: Weeks

4/20/2010 House Requests for debate‑Rep(s). Simrill, AD Young, Rutherford, Toole, Duncan, Merrill, Daning, Crawford, Weeks, GM Smith, JE Smith, JH Neal, Jefferson, Loftis, Hutto, King, and Knight [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑23

4/27/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\04-27-10.docx)‑87

4/27/2010 House Roll call Yeas‑77 Nays‑24 [HJ](file:///h:\HJ%20Archive\2010\04-27-10.docx)‑87

4/28/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\04-28-10.docx)‑60

4/29/2010 Senate Introduced and read first time

4/29/2010 Senate Referred to Committee on **Judiciary**

5/3/2010 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

5/19/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\05-19-10.docx)‑33

5/20/2010 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑38

5/20/2010 Senate Amended [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑38

5/20/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\05-20-10.docx)‑38

5/25/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\05-25-10.docx)‑28

5/26/2010 House Non‑concurrence in Senate amendment [HJ](file:///h:\HJ%20Archive\2010\05-26-10.docx)‑50

6/1/2010 Senate Senate insists upon amendment and conference committee appointed Hutto, Massey, and Davis [SJ](file:///h:\SJ%20Archive\2010\06-01-10.docx)‑92

6/2/2010 House Conference committee appointed Reps. Kelly, Cole, and McLeod [HJ](file:///h:\HJ%20Archive\2010\06-02-10.docx)‑62

6/3/2010 Senate Free conference powers granted [SJ](file:///h:\SJ%20Archive\2010\06-03-10.docx)‑48

6/3/2010 Senate Free conference committee appointed Hutto, Massey, and Davis [SJ](file:///h:\SJ%20Archive\2010\06-03-10.docx)‑49

6/3/2010 Senate Free conference report adopted [SJ](file:///h:\SJ%20Archive\2010\06-03-10.docx)‑51

6/15/2010 House Free conference powers granted [HJ](file:///h:\HJ%20Archive\2010\06-15-10.docx)‑165

6/15/2010 House Free conference committee appointed Reps. Kelly, McLeod, and Cole [HJ](file:///h:\HJ%20Archive\2010\06-15-10.docx)‑166

6/15/2010 House Free conference report received and adopted [HJ](file:///h:\HJ%20Archive\2010\06-15-10.docx)‑166

6/15/2010 House Ordered enrolled for ratification [HJ](file:///h:\HJ%20Archive\2010\06-15-10.docx)‑170

6/21/2010 Ratified R 347

6/24/2010 Signed By Governor

7/2/2010 Effective date 06/24/10

7/8/2010 Act No. 269

**VERSIONS OF THIS BILL**

[11/17/2009](file:///p:\pprever\2009-10\4215_20091117.docx)

[3/24/2010](file:///p:\pprever\2009-10\4215_20100324.docx)

[5/19/2010](file:///p:\pprever\2009-10\4215_20100519.docx)

[5/20/2010](file:///p:\pprever\2009-10\4215_20100520.docx)

[6/15/2010](file:///p:\pprever\2009-10\4215_20100615.docx)

(A269, R347, H4215)

**AN ACT TO AMEND SECTION 18‑3‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST FILE A NOTICE OF APPEAL WITH THE CLERK OF THE CIRCUIT COURT AND SERVE NOTICE UPON THE DESIGNATED AGENT FOR THE PROSECUTING AGENCY OR ATTORNEY WHO PROSECUTED THE CHARGE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.**

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

**Magistrates court, notice of appeal**

SECTION 1. Section 18‑3‑30 of the 1976 Code is amended to read:

“Section 18‑3‑30. (A) The appellant, within ten days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.

(B) A person convicted in magistrates court who pays a fine assessed by the court does not waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.”

**Savings clause**

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.

**Time effective**

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

Ratified the 21st day of June, 2010.

Approved the 24th day of June, 2010.

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