~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

May 14, 2009

**H. 3798**

Introduced by Reps. Bannister and Harrison

S. Printed 5/14/09--H.

Read the first time March 26, 2009.

**A** **BILL**

TO AMEND SECTION 17‑15‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE INSTEAD OF A BOND, ASSIGNMENT OF THE DEPOSIT, AND RESTITUTION TO THE VICTIM, SO AS TO PROVIDE FOR THE DEPOSIT OF A CASH AMOUNT BY THE DEFENDANT THROUGH AN ACCOMMODATION BONDSMAN, TO INCREASE THE CASH AMOUNT PERCENTAGE TO NOT LESS THAN TWENTY‑FIVE PERCENT, AND TO REQUIRE THE ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

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

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

“Section 17‑15‑15. ~~(a) In lieu~~(A) Instead of requiring actual posting of bond as provided in ~~item (a) of~~Section 17‑15‑10, the court setting bond may permit the defendant, through an accommodation bondsman as defined in Section 38‑53‑10, to deposit in cash with the clerk of court an amount not ~~to exceed ten~~less than twenty‑five percent of the amount of bond set, which amount, when the defendant fulfills the condition of the bond and if restitution to the victim is not ordered, ~~shall~~must be returned to the defendant by the clerk except as provided in subsection ~~(c)~~(B).

The accommodation bondsman shall pay a handling fee to the clerk of court equal to four percent of the amount of the bond set to be retained by the clerk of court for its operational use.

~~(b) The cash deposit provided for in subsection (a) shall be assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant and delivered to the clerk. After assignment and after the defendant fulfills the condition of his bond, the clerk shall return the cash deposit to the assignee thereof.~~

~~(c)~~(B) In the event the cash deposit is not assigned but the defendant is required by the court to make restitution to the victim of his crime, ~~such~~the deposit ~~may~~must be used for the purpose of ~~such~~the restitution.

(C) The cash deposit provided for in subsection (A) is assignable at any time after it is posted with the clerk of court by written assignment executed by the defendant’s accommodation bondsman and delivered to the clerk of court. After assignment and after the defendant fulfills the condition of his bond, and if restitution to the victim is not ordered, the clerk of court shall return the cash deposit to the appropriate assignee of the bond.”

SECTION 2. This act takes effect upon approval by the Governor.

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