~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 3, 2010

**S. 718**

Introduced by Senators Campsen and Malloy

S. Printed 3/3/10--S.

Read the first time April 15, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 718) to amend Section 22‑3‑550 of the 1976 Code, relating to ordering restitution in magistrate’s court, to provide a magistrate may order restitution in an amount not, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 25 and 26, in Section 22-3-550(A), as contained in SECTION 1, and inserting therein the following:

/ subject to the penalties of a fine or forfeiture not exceeding ~~five hundred~~ one thousand dollars, or imprisonment not exceeding thirty days, or /

Renumber sections to conform.

Amend title to conform.

GERALD MALLOY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department indicates this bill will have no fiscal impact on the General Fund of the State, or on federal or other funds.

**LOCAL GOVERNMENT IMPACT:**

Counties in the FIST network of local governments were surveyed to determine the fiscal impact of this bill. No responses were received; however, there should be no fiscal impact with the adoption of this procedural change in this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 22‑3‑550 OF THE 1976 CODE, RELATING TO ORDERING RESTITUTION IN MAGISTRATE’S COURT, TO PROVIDE A MAGISTRATE MAY ORDER RESTITUTION IN AN AMOUNT NOT TO EXCEED THE CIVIL JURISDICTIONAL AMOUNT FOR MAGISTRATES.

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

SECTION 1. Section 22‑3‑550(A) of the 1976 Code is amended to read:

“(A) Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundred dollars, or imprisonment not exceeding thirty days, or both. In addition, a magistrate may order restitution in an amount not to exceed ~~five thousand dollars~~ the civil jurisdictional amount provided in Section 22‑3‑10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.

A magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.”

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

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