**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3606**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrison, Weeks and McLeod

Document Path: l:\council\bills\ms\7113ahb11.docx

Companion/Similar bill(s): 30

Introduced in the House on February 8, 2011

Introduced in the Senate on April 14, 2011

Last Amended on April 13, 2011

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

Summary: Issuance of arrest warrants

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/8/2011 House Introduced and read first time ([House Journal‑page 47](file:///h:\hj%20archive\2011\02-08-11.docx))

2/8/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 47](file:///h:\hj%20archive\2011\02-08-11.docx))

4/6/2011 House Member(s) request name added as sponsor: Weeks

4/6/2011 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](file:///h:\hj%20archive\2011\04-06-11.docx))

4/7/2011 Scrivener's error corrected

4/12/2011 House Member(s) request name added as sponsor: McLeod

4/13/2011 House Amended ([House Journal‑page 35](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Read second time ([House Journal‑page 35](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Roll call Yeas‑93 Nays‑0 ([House Journal‑page 35](file:///h:\hj%20archive\2011\04-13-11.docx))

4/14/2011 House Read third time and sent to Senate ([House Journal‑page 10](file:///h:\hj%20archive\2011\04-14-11.docx))

4/14/2011 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj%20archive\2011\04-14-11.docx))

4/14/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h:\sj%20archive\2011\04-14-11.docx))

1/9/2012 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

**VERSIONS OF THIS BILL**

[2/8/2011](file:///p:\pprever\2011-12\3606_20110208.docx)

[4/6/2011](file:///p:\pprever\2011-12\3606_20110406.docx)

[4/7/2011](file:///p:\pprever\2011-12\3606_20110407.docx)

[4/13/2011](file:///p:\pprever\2011-12\3606_20110413.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 13, 2011

**H. 3606**

Introduced by Reps. Harrison, Weeks and McLeod

S. Printed 4/13/11--H.

Read the first time February 8, 2011.

**A** **BILL**

TO AMEND SECTION 22‑5‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT AN ARREST WARRANT MAY NOT BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY, TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, AND TO PROVIDE FOR EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

Amend Title To Conform

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

SECTION 1. Section 22‑5‑110 of the 1976 Code, as last amended by Act 346 of 2008, is further amended to read:

“Section 22‑5‑110. (A) Magistrates shall:

(1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~ flee out of ~~it,~~ the county;

(2) examine into treasons, felonies, grand larcenies, high crimes, and misdemeanors~~,~~;

(3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction~~,~~; and

(4) punish those guilty of such offenses within their jurisdiction.

~~(B)~~ ~~Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

(B)(1) An arrest warrant may not be issued for the arrest of a person unless sought by a member of a law enforcement agency acting in their official capacity.

(2) If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons.

(3) If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.”

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

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