**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4088**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Ott, Brantley, Hardwick, Cobb‑Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J.H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J.M. Neal and Toole

Document Path: l:\council\bills\ms\7358ahb11.docx

Introduced in the House on April 13, 2011

Introduced in the Senate on May 31, 2011

Last Amended on May 26, 2011

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

Summary: Magistrate Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/13/2011 House Introduced and read first time

4/13/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 49](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 49](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 84](file:///h:\hj%20archive\2011\04-13-11.docx))

5/18/2011 House Recalled from Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 25](file:///h:\hj%20archive\2011\05-18-11.docx))

5/19/2011 House Requests for debate‑Rep(s). Pinson, Willis, Daning, Harrison, Brannon, RL Brown, Tribble, and Hiott ([House Journal‑page 21](file:///h:\hj%20archive\2011\05-19-11.docx))

5/19/2011 House Debate adjourned until Tuesday, May 24, 2011 ([House Journal‑page 48](file:///h:\hj%20archive\2011\05-19-11.docx))

5/24/2011 House Debate adjourned ([House Journal‑page 83](file:///h:\hj%20archive\2011\05-24-11.docx))

5/24/2011 House Debate adjourned until Wednesday, May 25, 2011 ([House Journal‑page 117](file:///h:\hj%20archive\2011\05-24-11.docx))

5/25/2011 House Debate adjourned until Thursday, May 12, 2011 ([House Journal‑page 62](file:///h:\hj%20archive\2011\05-25-11.docx))

5/26/2011 House Amended ([House Journal‑page 31](file:///h:\hj%20archive\2011\05-26-11.docx))

5/26/2011 House Read second time ([House Journal‑page 31](file:///h:\hj%20archive\2011\05-26-11.docx))

5/26/2011 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 31](file:///h:\hj%20archive\2011\05-26-11.docx))

5/26/2011 House Unanimous consent for third reading on next legislative day ([House Journal‑page 33](file:///h:\hj%20archive\2011\05-26-11.docx))

5/27/2011 House Read third time and sent to Senate ([House Journal‑page 1](file:///h:\hj%20archive\2011\05-27-11.docx))

5/27/2011 Scrivener's error corrected

5/31/2011 Senate Introduced and read first time ([Senate Journal‑page 21](file:///h:\sj%20archive\2011\05-31-11.docx))

5/31/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 21](file:///h:\sj%20archive\2011\05-31-11.docx))

1/9/2012 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

5/3/2012 Senate Referred to Subcommittee: Rankin (ch), Hutto, Bright, Davis

**VERSIONS OF THIS BILL**

[4/13/2011](file:///p:\pprever\2011-12\4088_20110413.docx)

[5/18/2011](file:///p:\pprever\2011-12\4088_20110518.docx)

[5/26/2011](file:///p:\pprever\2011-12\4088_20110526.docx)

[5/27/2011](file:///p:\pprever\2011-12\4088_20110527.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2011

**H. 4088**

Introduced by Reps. Ott, Brantley, Hardwick, Cobb‑Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J.H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J.M. Neal and Toole

S. Printed 5/26/11--H. [SEC 5/27/11 12:37 PM]

Read the first time April 13, 2011.

**A** **BILL**

TO AMEND SECTION 14‑1‑207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADDITIONAL ASSESSMENT FOR OFFENSES TRIED IN MAGISTRATES COURT, SO AS TO ADD VIOLATIONS OF TITLE 50 TO THE OFFENSES EXEMPT FROM THE ADDITIONAL ASSESSMENT.

Amend Title To Conform

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

SECTION 1. Section 14‑1‑207(A) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in magistrates court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the magistrate and deposited as required by Section 22‑1‑70 in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56‑3‑1970, 56‑5‑2510, and 56‑5‑2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons or for violations of Title 50 if the defendant pleads guilty or nolo contendere and pays the fine or forfeits bond for the offense.”

SECTION 2. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑240. (A) Notwithstanding a court rule or another provision of law, a magistrate may not commence a trial or another proceeding, or require an attorney to appear or be present in the court, on Saturday, Sunday, or after five o’clock on a weekday except in the case of an emergency.

(B) If a magistrate determines an emergency exists and court must be held:

(1) after five o’clock on a weekday, compensation for jurors must be no less than one hundred dollars per day and court personnel must be paid overtime; and

(2) on the weekend, compensation for jurors must be no less than one hundred fifty dollars per day and court personnel must be paid overtime.

(C) The provisions of subsection (A) do not apply to bond hearings.”

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

‑‑‑‑XX‑‑‑‑