**South Carolina General Assembly**

119th Session, 2011-2012

**S. 852**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Knotts

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Introduced in the Senate on April 27, 2011

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

Summary: Magistrate Court must dispose of criminal cases within 6 months

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/27/2011 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj%20archive\2011\04-27-11.docx))

4/27/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\sj%20archive\2011\04-27-11.docx))

1/9/2012 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin

**VERSIONS OF THIS BILL**

[4/27/2011](file:///p:\pprever\2011-12\852_20110427.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 22‑3‑555 SO AS TO PROVIDE THAT MAGISTRATES COURT MUST DISPOSE OF CRIMINAL CASES WITHIN SIX MONTHS OF ARREST AND TO PROVIDE AN EXCEPTION; AND TO AMEND SECTION 14‑25‑45, RELATING TO THE JURISDICTION OF MUNICIPAL COURTS, SO AS TO PROVIDE THAT MUNICIPAL COURTS MUST DISPOSE OF CRIMINAL CASES WITHIN SIX MONTHS OF ARREST AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. Article 5, Chapter 3, Title 22 of the 1976 Code is amended by adding:

“Section 22‑3‑555. The magistrates court must dispose of a criminal case within six months of arrest. However, the court may grant a continuance of a case beyond this statutory limit provided the judge states, on the record, the reasons for granting a continuance and sets a date certain for trial. The statutory limit does not apply if the trial has begun.”

SECTION 2. Section 14‑25‑45 of the 1976 Code, as added by Act 480 of 1980, is amended to read:

“Section 14‑25‑45. (A) Each municipal court ~~shall have~~ has jurisdiction to try all cases arising under the ordinances of the municipality for which it was established. The court ~~shall also have~~ also has all ~~such~~ powers, duties, and jurisdiction in criminal cases made ~~under~~ pursuant to state law and conferred upon magistrates. The court ~~shall have~~ has the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court ~~shall have~~ has no jurisdiction in civil matters.

(B) The municipal court must dispose of a case within six months of arrest. However, the court may grant a continuance of a case beyond this statutory limit provided the judge states, on the record, the reasons for granting the continuance and sets a date certain for trial. The statutory limit does not apply if the trial has begun.”

SECTION 3. 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.

SECTION 4. This act takes effect upon approval by the Governor and applies to all crimes committed on or after that date.

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