**South Carolina General Assembly**

119th Session, 2011-2012

**S. 853**

**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: Solicitor to call cases for trial within one year of indictment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/27/2011 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2011\04-27-11.docx))

4/27/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj%20archive\2011\04-27-11.docx))

1/9/2012 Senate Referred to Subcommittee: Malloy (ch), Ford, Knotts, Campsen

**VERSIONS OF THIS BILL**

[4/27/2011](file:///p:\pprever\2011-12\853_20110427.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑23‑155 SO AS TO REQUIRE A SOLICITOR TO CALL CASES FOR TRIAL WITHIN ONE YEAR OF INDICTMENT, TO PROVIDE THAT THE STATE MUST PRESENT AN INDICTMENT WITHIN NINETY DAYS AFTER A WARRANT HAS BEEN ISSUED, AND TO REQUIRE EXCEPTIONS.

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

SECTION 1. Chapter 23, Title 17 of the 1976 Code is amended by adding:

“Section 17‑23‑155. (A) Except for the offense of murder as prosecuted under Section 16‑3‑20, the State shall dispose of a case within one year of the indictment by the solicitor. 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.

(B) The State is required to indict within ninety days after a warrant is issued. However, the State may remand a case for further investigation within the ninety days. If the State remands a case, the case is removed from the state’s pending cases until the investigation is complete. The solicitor shall notify the clerk of court of all remanded cases.”

SECTION 2. 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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.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 3. This act takes effect upon approval by the Governor and applies to all crimes committed on or after that date.

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