~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2011

**H. 3669**

Introduced by Reps. Harrison and Harrell

S. Printed 3/9/11--H.

Read the first time February 15, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3669) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑7‑385 so as to provide that with certain exceptions, the Attorney General must, 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, by striking SECTION 1 and inserting:

/ SECTION 1. Article 5, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1‑7‑385. Except in actions for forfeiture proceedings initiated by or pursuant to a seizure by a law enforcement agency, for estreatment of bail bonds, for nuisance actions pursuant to Chapter 43, Title 15, or in matters where the Attorney General’s approval is not required by law by specific exception to the provisions of this section, the Attorney General must approve any civil action undertaken by a solicitor of this State either under his own signature in his official capacity on behalf of the State or by outside counsel retained as provided by law by the solicitor in his official capacity on behalf of the State.” /

Amend further by striking SECTION 3 and inserting:

/SECTION 3. This act takes effect upon approval by the Governor, but only applies to any civil action commenced after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑7‑385 SO AS TO PROVIDE THAT WITH CERTAIN EXCEPTIONS, THE ATTORNEY GENERAL MUST APPROVE ANY CIVIL ACTION UNDERTAKEN BY A SOLICITOR OF THIS STATE EITHER UNDER HIS OWN SIGNATURE IN HIS OFFICIAL CAPACITY ON BEHALF OF THE STATE OR BY OUTSIDE COUNSEL RETAINED AS PROVIDED BY LAW BY THE SOLICITOR IN HIS OFFICIAL CAPACITY ON BEHALF OF THE STATE; AND TO AMEND SECTION 15‑3‑570, RELATING TO ACTIONS TO SECURE A PENALTY OR FORFEITURE BY A PRIVATE PARTY FOR A PENALTY OR FORFEITURE GIVEN TO THE PRIVATE PARTY, OR UPON FAILURE OF THE PRIVATE PARTY TO COMMENCE THE ACTION WITHIN THE TIME PRESCRIBED BY THE ATTORNEY GENERAL OR THE SOLICITOR OF THE CIRCUIT WHERE THE OFFENSE WAS COMMITTED ON BEHALF OF THE STATE, SO AS TO DELETE THE AUTHORITY OF THE SOLICITOR OF THE CIRCUIT WHERE THE OFFENSE WAS COMMITTED TO BRING THE ACTION.

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

SECTION 1. Article 5, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1‑7‑385. Except in actions for forfeiture proceedings arising from criminal proceedings, for estreatment of bail bonds arising from criminal proceedings, in family court proceedings, or in matters where the Attorney General’s approval is not required by law by specific exception to the provisions of this section, the Attorney General must approve any civil action undertaken by a solicitor of this State either under his own signature in his official capacity on behalf of the State or by outside counsel retained as provided by law by the solicitor in his official capacity on behalf of the State.”

SECTION 2. Section 15‑3‑570 of the 1976 Code is amended to read:

“Section 15‑3‑570. An action upon a statute for a penalty or forfeiture given, in whole or in part, to any person who will prosecute for it must be commenced within one year after the commission of the offense. If the action ~~be~~ is not commenced within the year by a private party it may be commenced within two years thereafter in behalf of the State by the Attorney General ~~or the solicitor of the circuit where the offense was committed~~, unless a different limitation ~~be~~ is prescribed in the statute under which the action is brought.”

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

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