POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

April 24, 2013

**S. 19**

Introduced by Senators Ford and Campsen

S. Printed 4/24/13--S.

Read the first time January 8, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 19) to amend Section 17-15-55, Code of Laws of South Carolina, 1976, relating to bond and the authority of the circuit court to revoke bond under certain, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND SECTION 17-15-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE COMMISSION OF A SUBSEQUENT VIOLENT CRIME BY A PERSON RELEASED ON BOND IN THE PURVIEW OF THE STATUTE AND TO ADD AN ADDITIONAL PENALTY IF A PERSON COMMITS A GENERAL SESSIONS COURT OFFENSE WHILE ON RELEASE ON BOND.

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

SECTION 1. Section 17‑15‑55 of the 1976 Code, as added by Act 286 of 2012, is further amended by adding appropriately lettered subsections at the end to read:

“() If a person released on bond pursuant to the provisions of this chapter commits a violent crime, as defined in Section 16‑1‑60, while released on bond, the bond hearing for the subsequent violent crime must be held in the circuit court. If the court finds probable cause that the person committed the crime or that the person is unlikely to comply with any condition of release, the judge shall revoke all prior bonds. If the court finds probable cause, a rebuttable presumption arises that no condition will assure the person will not pose a danger to the safety of any other person or the community. If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly.

() If a person is convicted of committing or attempting to commit a subsequent general sessions court offense while on release on bond, the person must be imprisoned for a mandatory minimum of five years, no part of which may be suspended nor probation granted, in addition to the penalty provided for the principal offense. This five year sentence must be served consecutively.

(1) A person sentenced pursuant to the provisions of this subsection is not eligible during the five‑year sentence to participate in work release or extended work release nor is the person eligible for parole. A person is not eligible for a reduction in the five‑year sentence but may earn good‑time credits or work credits during the five‑year sentence.

(2) The additional penalty provided in this subsection may not be imposed unless the indictment for the substantive general sessions offense charges as a separate count and pursuant to this subsection that the person was on release on bond when the subsequent general sessions court offense was committed and the person was convicted of the subsequent general sessions court offense at the same time as the offense provided in this subsection.

(3) Written notice of the intention to prosecute pursuant to this subsection must be given to the defendant and the defendant’s counsel not less than ten days before trial.

(4) The additional penalty provided in this subsection does not apply when the death penalty or a life sentence without the possibility of parole is imposed for the subsequent general sessions court offense.”

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.

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