**A** **BILL**

TO AMEND SECTION 22‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEPOSITS IN LIEU OF RECOGNIZANCE AND PAYMENT TO A JAIL OR CORRECTIONAL FACILITY TO SECURE IMMEDIATE RELEASE, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO A PERSON CHARGED WITH A CRIMINAL DOMESTIC VIOLENCE OFFENSE AND SUCH A PERSON IS EXPRESSLY PROHIBITED FROM MAKING A DEPOSIT IN LIEU OF RECOGNIZANCE TO SECURE IMMEDIATE RELEASE.

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

SECTION 1. Section 22-5-530 of the 1976 Code is amended to read:

“Section 22-5-530. (A) A person charged and to be tried before a magistrate or municipal judge for a violation of law is entitled to deposit with the magistrate or municipal judge, in lieu of entering into recognizance, a sum of money not to exceed the maximum fine in the case for which the person is to be tried. However, the provisions of this section do not apply to a person charged with a violation of the provisions of Chapter 25, Title 16, and such a person is expressly prohibited from making a deposit in lieu of recognizance. An individualized hearing must be held when ~~the~~ a person is charged with a violation of the provisions of Chapter 25, Title 16, and the victim of the offense must be notified pursuant to the provisions of Section 16‑3‑1525(H).

(B) In a jurisdiction in which the governing body has established a system for receipt of deposits in lieu of recognizance, a person held or incarcerated in a jail or detention center who is entitled to deposit a sum of money in lieu of entering into recognizance ~~under~~ pursuant to this section may secure his immediate release from custody by paying to or depositing the sum of money required by this section with the jail or detention facility in which he is being held.

(C) Money paid to or deposited with a jail or detention facility under the authority of this section is considered paid to or deposited with the magistrate or municipal judge in lieu of entering into recognizance and must be accounted for and paid over to the magistrate or municipal judge by the jail or detention facility for disposition ~~according to~~ as provided by law. Money paid to or deposited pursuant to this section must be accounted for and audited in the manner required by the governing body and any other appropriate agency.

(D) The provisions of this section must not be construed to abrogate or otherwise affect the notice requirements for victims of crime and other rights of victims of crime provided for in Article 5 ~~of~~, Title 16.”

SECTION 2. This act takes effect upon approval by the Governor.

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