**South Carolina General Assembly**

121st Session, 2015-2016

**S. 65**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 13, 2015

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

Summary: Altering, modifying, or rescinding a criminal sentence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2014 Senate Prefiled

12/3/2014 Senate Referred to Committee on **Judiciary**

1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 64](file:///h:\SJ%20Archive\2015\01-13-15.docx))

1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 64](file:///h:\SJ%20Archive\2015\01-13-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=65&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2014](file:///p:\pprever\2015-16\65_20141203.docx)

**A** **BILL**

TO AMEND SECTION 17‑25‑326 OF THE 1976 CODE, RELATING TO THE ALTERATION, MODIFICATION, OR RESCISSION OF A COURT ORDER, TO PROVIDE THAT A COURT SHALL NOT ALTER, MODIFY, OR RESCIND A DEFENDANT’S CRIMINAL SENTENCE, UNLESS THE COURT HAS HELD A HEARING ALLOWING THE DEFENDANT, ATTORNEY GENERAL OR SOLICITOR, AND THE VICTIM TO TESTIFY REGARDING THE DECISION TO ALTER, MODIFY, OR RESCIND THE SENTENCE.

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

SECTION 1. Section 17‑25‑326 of the 1976 Code is amended to read:

“Section 17‑25‑326. (A) ~~Any~~ A court order issued pursuant to ~~the provisions of~~ this article may be altered, modified, or rescinded upon the filing of a petition by the defendant, Attorney General, solicitor, or the victim for good and sufficient cause shown by a preponderance of the evidence.

(B) A court shall not alter, modify, or rescind a defendant’s criminal sentence, unless the court has held a hearing allowing the defendant, Attorney General or solicitor, and the victim to testify regarding the decision to alter, modify, or rescind the sentence. A court may deny a petition to alter, modify, or rescind a defendant’s criminal sentence without a hearing.”

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

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