**A** **BILL**

TO AMEND SECTIONS 56‑7‑10 AND 56‑7‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF UNIFORM TRAFFIC TICKETS, SO AS TO PROVIDE THAT A UNIFORM TRAFFIC TICKET MUST BE USED IN LIEU OF CUSTODIAL ARREST FOR CERTAIN OFFENSES WITH EXCEPTIONS; TO AMEND SECTION 56‑7‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNIFORM ORDINANCE SUMMONS, SO AS TO PROVIDE THAT A UNIFORM ORDINANCE SUMMONS MUST BE USED IN LIEU OF CUSTODIAL ARREST FOR THE ENFORCEMENT OF COUNTY AND MUNICIPAL ORDINANCES; TO AMEND SECTION 56‑25‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONRESIDENT TRAFFIC VIOLATOR COMPACTS, SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO ISSUES A UNIFORM TRAFFIC CITATION SHALL ALLOW A PERSON TO PROCEED ON PERSONAL RECOGNIZANCE WITHOUT HAVING TO POST BOND OR APPEAR BEFORE A JUDICIAL OFFICER; AND TO AMEND SECTION 56‑25‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONRESIDENT TRAFFIC VIOLATOR COMPACTS, SO AS TO PROVIDE EXCEPTIONS FOR A PERSON TO PROCEED ON PERSONAL RECOGNIZANCE.

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

SECTION 1. Section 56‑7‑10 of the 1976 Code is amended to read:

“Section 56‑7‑10. (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

Offense Citation

Interfering with Police Officer Serving

Process Section 16‑5‑50

Dumping Trash on Highway/Private

Property Section 16‑11‑700

Indecent Exposure Section 16‑15‑130

Disorderly Conduct Section 16‑17‑530

Damaging Highway Section 57‑7‑10

Place Glass, Nails, Etc. on Highway Section 57‑7‑20

Obstruction of Highway by Railroad

Cars, Etc. Section 57‑7‑240

Signs Permitted on Interstate Section 57‑25‑140

Brown Bagging Section 61‑5‑20

Drinking Liquors in Public Conveyance Section 61‑13‑360

Poles Dragging on Highway Section 57‑7‑80

Open Container Section 61‑9‑87

Purchase or Possession of Beer or

Wine by a Person Under Age Section 63‑19‑2440

Purchase or Possession of Alcoholic

Liquor by a Person Under Age

Twenty‑One Section 63‑19‑2450

Unlawful Possession and Consumption

of Alcoholic Liquors Section 61‑5‑30

Sale of Beer or Wine on Which Tax

Has Not Been Paid Section 61‑9‑20

Falsification of Age to Purchase Beer

or Wine Section 61‑9‑50

Unlawful Purchase of Beer or Wine

for a Person Who Cannot Legally Buy Section 61‑9‑60

Unlawful Sale or Purchase of Beer or

Wine, Giving False Information as to

Age, Buying Beer or Wine

Unlawfully for Another Section 61‑9‑85

Employment of a Person Under the Age

of Twenty‑One as an Employee in

Retail or Wholesale or Manufacturing

Liquor Business Section 61‑13‑340

Failure to Remove Doors from

Abandoned Refrigerators Section 16‑3‑1010

Malicious Injury to Animals or Personal

Property Section 16‑11‑510

Timber, Logs, or Lumber Cutting,

Removing, Transporting Without

Permission, Valued at Less Than

Fifty Dollars Section 16‑11‑580

Littering Section 16‑11‑700

Larceny of a Bicycle Valued at Less

Than One Hundred Dollars Section 16‑13‑80

Shoplifting Section 16‑13‑110

Cock Fighting Section 16‑17‑650

Ticket Scalping Section 16‑17‑710

Criminal Domestic Violence, First

Offense and Second Offense

(B)(1) and (2) Section 16‑25‑20

Glue Sniffing Section 44‑53‑1110

Trespassing Section 16‑11‑755

Trespassing Section 16‑11‑600

Trespassing Section 16‑11‑610

Trespassing Section 16‑11‑620

Negligent Operation of Watercraft;

Operation of Watercraft While

Under Influence of Alcohol or Drugs Section 50‑21‑110

Negligence of Boat Livery to Provide

Proper Equipment and Registration Section 50‑21‑120

Interference with Aids to Navigation

or Regulatory Markers or Operation

of Watercraft in Prohibited Area Section 50‑21‑170

Operation of Watercraft Without a

Certificate of Title Section 50‑23‑190

Parking on private property without

permission Section 16‑11‑760

Certificate of Veterinary Inspection;

Requirement for Out‑of‑ State

Livestock or Poultry Section 47‑4‑60

Inhibition of Livestock Inspection Section 47‑4‑120

Imported Swine Section 47‑6‑50

Operating Equine Sales Facility or

Livestock Market Without Permit Section 47‑11‑20

Liability of Person Removing Livestock

for Slaughter Section 47‑11‑120

Notice to Disinfect Section 47‑13‑310

Quarantine of Livestock or Poultry Section 47‑4‑70

Unlawful for Horse to Enter State

Unless Tested Section 47‑13‑1350

Quarantine of Exposed Horses Section 47‑13‑1360

Proof of Test Required for Public

Assembly of Horses Section 47‑13‑1370

False Certificates Section 47‑13‑1390

Unlawful to Feed Garbage to Swine Section 47‑15‑20

Notification Required from Certain

Persons Disposing of Garbage Section 47‑15‑40

Sale of Uninspected Meat and Meat

Products Section 47‑17‑60

Sale of Uninspected Poultry and

Poultry Product Section 47‑19‑70

Possession of Marijuana Section

44‑53‑370(d)(4)

Driving Under Suspension Section 56‑1‑46

(B)(1) The uniform traffic ticket must be used in lieu of custodial arrest for the following offenses:

(a) Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars (Section 16‑11‑510);

(b) Trespassing (Section 16‑11‑600);

(c) Trespassing (Section 16‑11‑610);

(d) Trespassing (Section 16‑11‑620);

(e) Trespassing (Section 16‑11‑755);

(f) Parking on private property without permission (Section 16‑11‑760);

(g) Possession of Marijuana (Section 44‑53‑370(d)(4));

(h) Driving Under Suspension (Section 56‑1‑46); and

(i) Open Container (Section 61‑9‑87).

(2) This subsection does not apply if:

(a) the person does not possess a driver’s license or identification card; or

(b) the person is being charged with a separate offense other than an offense listed in this subsection.

~~(B)~~(C) In addition to the offenses contained in subsection (A), a uniform traffic ticket may be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

~~(C)~~(D) No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders’, and magistrates’ courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.”

SECTION 2. Section 56‑7‑15 of the 1976 Code is amended to read:

“Section 56‑7‑15. (A) The uniform traffic ticket, established pursuant to the provisions of Section 56‑7‑10, may be used by law enforcement officers to arrest a person for an offense that has been freshly committed or is committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrates court and municipal court. A law enforcement agency processing an arrest made pursuant to this section must furnish the information to the State Law Enforcement Division as required in Chapter 3, Title 23.

(B)(1) The uniform traffic ticket must be used in lieu of custodial arrest for the following offenses:

(a) Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars (Section 16‑11‑510);

(b) Trespassing (Section 16‑11‑600);

(c) Trespassing (Section 16‑11‑610);

(d) Trespassing (Section 16‑11‑620);

(e) Trespassing (Section 16‑11‑755);

(f) Parking on private property without permission (Section 16‑11‑760);

(g) Possession of Marijuana (Section 44‑53‑370(d)(4));

(h) Driving Under Suspension (Section 56‑1‑46); and

(i) Open Container (Section 61‑9‑87).

(2) This subsection does not apply if:

(a) the person does not possess a driver’s license or identification card; or

(b) the person is being charged with a separate offense other than an offense listed in this subsection.

~~(B)~~(C) An officer who effects an arrest, by use of a uniform traffic ticket, for a violation of Chapter 25, Title 16 or Section 16‑13‑110 shall complete and file an incident report immediately following the issuance of the uniform traffic ticket.

~~(C)~~(D) The issuance of a uniform traffic ticket alleging the violation of Section 56‑5‑2770 is not subject to the provisions of this section.”

SECTION 3. Section 56‑7‑80 of the 1976 Code is amended to read:

“Section 56‑7‑80. (A) Counties and municipalities ~~are authorized to~~ shall adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer ~~is authorized to~~ shall use an ordinance summons. ~~Any~~ A county or municipality ~~adopting the ordinance summons~~ is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity.

(B) The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

(C) An ordinance summons must cite only one violation per summons and must contain at least the following information:

(1) the name and address of the person or entity charged;

(2) the name and title of the issuing officer;

(3) the time, date, and location of the hearing;

(4) a description of the ordinance the person or entity is charged with violating;

(5) the procedure to post bond; and

(6) any other notice or warning otherwise required by law.

The ordinance summonses must be consecutively and discretely numbered. The ordinance summonses must be audited as part of the annual independent audit required in Section 4‑9‑150 for counties and in Section 5‑7‑240 for municipalities, and a separate copy of each audit must be furnished to the chief administrative officer of the county or municipality, as appropriate.

(D) Service of a uniform ordinance summons vests all magistrates’ and municipal courts with jurisdiction to hear and dispose of the charge for which the ordinance summons was issued and served.

(E) Any law enforcement officer or code enforcement officer who serves an ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate or municipal judge. Acceptance of an ordinance summons constitutes a person’s recognizance to comply with the terms of the summons.

(F) Any person who fails to appear before the court as required by an ordinance summons, without first having posted such bond as may be required or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Any law enforcement agency processing an arrest made pursuant to this subsection must furnish such information to the State Law Enforcement Division as required by Chapter 3 of Title 23.

(G) This statute does not prohibit a county or municipality from enforcing ordinances by means otherwise authorized by law.”

SECTION 4. Section 56‑25‑30 of the 1976 Code is amended to read:

“Section 56‑25‑30. Any law enforcement officer who issues to a person a uniform traffic citation ~~may~~ shall, in addition to any other action authorized by law and subject to the exceptions noted in this section, allow the person to proceed without first either having to post bond or appear before a magistrate, recorder or other judicial officer if the person accepts the citation. Such acceptance shall constitute the person’s recognizance to comply with the terms of the citation.

When issuing a citation for a traffic violation to a nonresident who is licensed by a compact jurisdiction, if the law enforcement officer receives the person’s recognizance as above‑described, the officer shall not, subject to the exceptions noted below, require the person to post bond but shall allow the person to proceed.”

SECTION 5. Section 56‑25‑40 of the 1976 Code is amended to read:

“Section 56‑25‑40. (a) No person shall be entitled to be released on personal recognizance pursuant to Section 56‑25‑30 if ~~the officer requires the person to appear before a magistrate, recorder or other judicial officer or if the offense is~~:

(1) ~~One which would result in the suspension or revocation of a person’s license or privilege to drive under the laws of this State~~ the person does not possess a driver’s license or identification card; or

(2) ~~A violation of Section 56‑1‑440 prohibiting the operation of a motor vehicle without a valid driver’s license~~ the person is being charged with a separate offense other than an offense provided in this chapter~~;~~

~~(3)~~ ~~A violation of a highway weight limitation~~.

(b) Any person who willfully fails to appear before the court as required by a uniform traffic citation without having posted such bond as may be required by the court or been granted a continuance by the court shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned not more than thirty days.”

SECTION 6. This act takes effect upon approval by the Governor.

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