**A** **BILL**

TO AMEND SECTION 17‑23‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT TO COUNSEL BY DEFENDANTS, SO AS TO PROVIDE THAT ALL DEFENDANTS IN THE SUMMARY COURTS OF THIS STATE FACING CRIMINAL CHARGES WITH THE POSSIBILITY OF IMPRISONMENT MUST BE INFORMED OF THEIR RIGHT TO COUNSEL, AND TO PROVIDE PROCEDURES FOR ENSURING DEFENDANTS ARE INFORMED OF THEIR RIGHT TO COUNSEL.

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

SECTION 1. Section 17‑23‑60 of the 1976 Code is amended to read:

“Section 17‑23‑60. (A) Every ~~person accused shall~~ defendant, at his trial, must be allowed to be heard by counsel, may defend himself, and ~~shall have~~ has a right to produce witnesses and proofs in his favor and to meet the witnesses produced against him face to face.

(B) Every defendant in the summary courts of this State facing criminal charges that carry the possibility of imprisonment must be informed of their right to counsel and, if indigent, their right to court‑appointed counsel prior to proceeding with trial. Absent a waiver of counsel, or the appointment of counsel for an indigent defendant, summary court judges shall not impose a sentence of jail time or imprisonment, and are limited to imposing a penalty of a fine only for those defendants, if convicted. When imposing a fine, consideration should be given to a defendant’s ability to pay. If a fine is imposed, an unrepresented defendant should be advised of the amount of the fine and when the fine must be paid. The provisions of this subsection also apply to those defendants who fail to appear at trial and are tried in their absence.”

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

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