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 (A) ~~Any~~ A court order issued pursuant to ~~the provisions of~~ this article may be altered, modified, or rescinded upon the filing of a petition by the defendant, Attorney General, solicitor, or the victim for good and sufficient cause shown by a preponderance of the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