**South Carolina General Assembly**

124th Session, 2021-2022

**S. 473**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rankin

Document Path: l:\s-jud\bills\rankin\jud0021.sw.docx

Companion/Similar bill(s): 380

Introduced in the Senate on January 14, 2021

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

Summary: Judgement of executions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2021 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj\20210114.docx))

1/14/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\sj\20210114.docx))

2/23/2022 Senate Referred to Subcommittee: M.Johnson (ch), Sabb, Matthews, Garrett

4/6/2022 Senate Referred to Subcommittee: M.Johnson (ch), Sabb, Matthews, Talley, Garrett

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**VERSIONS OF THIS BILL**

[1/14/2021](file:///p:\pprever\2021-22\473_20210114.docx)

**A** **BILL**

TO AMEND SECTION 15‑39‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF JUDGMENT EXECUTIONS, SO AS TO PROVIDE FOR A NEW PROCEDURE; AND TO AMEND SECTION 15‑39‑30, RELATING TO ISSUANCE OF EXECUTIONS, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH A FINAL JUDGMENT SHALL HAVE ACTIVE ENERGY BEYOND THE TEN-YEAR PERIOD.

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

SECTION 1. Section 15‑39‑20 of the 1976 Code is amended to read:

“Section 15‑39‑20. Writs of execution for the enforcement of judgments shall conform to this ~~Title~~ title. The party in whose favor judgment has been given and, in case of his death, his personal representatives duly appointed may at any time within ~~ten years after the entry of judgment~~ the period provided in Section 15‑39‑30 proceed to enforce such judgment as prescribed by this ~~Title~~ title.”

SECTION 2. Section 15‑39‑30 of the 1976 Code is amended to read:

“Section 15‑39‑30. (A) Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof, and this whether any return may or may not have been made during such period on such executions.

(B) Notwithstanding subsection (A), an execution may issue upon such final judgment or decree and shall have active energy beyond the ten-year period against real property or any other property that represents an ownership interest in said real property, including, but not limited to, a membership interest in a limited liability company or corporate stock, when:

(1) the judgment creditor has commenced proceedings pursuant to Section 15‑39‑310 with respect to such final judgment or decree, within ten years from the date of the original entry of the final judgment or decree;

(2) as a result of such proceedings, the judgment creditor has commenced an action to set aside a transfer of specific real property pursuant to Section 27‑23‑10 or Section 27‑23‑20; and

(3) the judgment creditor obtains a final judgment in the action setting aside the transfer of the real property.”

SECTION 3. This act takes effect upon approval by the Governor.

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