**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3814**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Introduced in the House on January 25, 2023

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

Summary: Commission on Indigent Defense, Division of Statewide Grand Jury Defense

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2023 House Introduced and read first time ([House Journal‑page 16](h:\hj\20230125.docx))

1/25/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 16](h:\hj\20230125.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3814&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/25/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3814_20230125.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17‑3‑365 SO AS TO CREATE THE DIVISION OF STATEWIDE GRAND JURY DEFENSE WITHIN THE OFFICE OF INDIGENT DEFENSE AND PROVIDE FOR ITS DUTIES AND RESPONSIBILITIES; AND BY AMENDING SECTION 17‑3‑5, RELATING TO DEFINITIONS FOR PURPOSES OF THE DEFENSE OF INDIGENTS, SO AS TO DEFINE THE “DIVISION OF STATEWIDE GRAND JURY DEFENSE”.

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

SECTION 1. Chapter 3, Title 17 of the S.C. Code is amended by adding:

Section 17‑3‑365. (A) There is created within the Office of Indigent Defense, the Division of Statewide Grand Jury Defense.

(B) The division must be administered by a chief attorney. The staff of the division shall consist of additional attorneys and administrative, investigative, secretarial, and clerical employees necessary to discharge the duties of the division. No person may be hired to serve as an attorney who is not licensed to practice law in this State. Attorneys employed by the division shall devote full time to their duties and may not engage in the private practice of law.

(C) The division shall carry out the following duties and responsibilities:

(1) It shall represent a person before a statewide grand jury who the office determines, subject to court review, falls within the guidelines promulgated pursuant to Section 17‑3‑310(G)(2) who meets the qualifications set out in Article 1. A person desiring representation by the division shall request a determination of his indigency status in writing from the office. The office receiving a request for indigent statewide grand jury representation shall forward the request to the division who, within ten days of the receipt of the request for representation, shall notify the person requesting representation and the statewide grand jury in which the defense will be effected of its decision.

(2) Upon a finding by the office that a person requesting representation qualifies as an indigent and after appointing counsel for this person from the division, the division shall represent this person in his defense before the statewide grand jury.

SECTION 2. Section 17‑3‑5 of the S.C. Code is amended to read:

Section 17‑3‑5. As used in this chapter, the term:

(1) “Commission” means the Commission on Indigent Defense.

(2) “Division of Appellate Defense” includes all attorneys and employees in the division.

(3) “Division of Statewide Grand Jury Defense” includes all attorneys and employees in the division.

(4) “Assistant public defender” means an attorney who is employed by a circuit public defender office.

(4)(5) “Circuit public defender” means the head of a public defender office providing indigent defense representation within a given judicial circuit of this State.

(5)(6) “Circuit public defender office” means the office of one of the several circuit public defenders.

(6)(7) “Public defender” means an attorney who is employed in a circuit public defender office or who represents an indigent person pursuant to a contractual arrangement with a circuit public defender office.

(7)(8) “Administering county” means the county within each circuit with which the circuit public defender has an agreement for the administering of indigent defense funds distributed from the State and the counties within the circuit for the provision of indigent defender services within each circuit.

(8)(9) “Chief county public defender” means a public defender appointed by the circuit public defender to assist in managing, supervising, and providing indigent defense representation in one or more assigned counties within the circuit.

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

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