**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5229**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mitchell, Henegan, Murphy, Yow, Robbins, Guffey, Wheeler and B. Newton

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Introduced in the House on March 6, 2024

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

Summary: Bench warrant

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/6/2024 House Introduced and read first time (House Journal‑page 21)

 3/6/2024 House Referred to Committee on **Judiciary** (House Journal‑page 21)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5229&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5229_20240306.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANTS, SO AS TO REQUIRE THE CLERK OF COURt TO ISSUE A BENCH WARRANT IF A DEFENDANT VIOLATES THE CONDITIONS OF RELEASE ON BOND.

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

SECTION 1. Section 38-53-70 of the S.C. Code is amended to read:

 Section 38-53-70. If a defendant violates the conditions of release on bond, the clerk of court shall issue a bench warrant for the defendant. The court must provide written or electronic notice of the issuance of the bench warrant within thirty days of its issuance to every party bound in the recognizance. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

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

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