

South Carolina General Assembly
120th Session, 2013-2014

S. 38

STATUS INFORMATION

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 8, 2013

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

Summary: Conditions for release on bail

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/13/2012	Senate	Prefiled
12/13/2012	Senate	Referred to Committee on Judiciary
1/8/2013	Senate	Introduced and read first time (Senate Journal-page 45)
1/8/2013	Senate	Referred to Committee on Judiciary (Senate Journal-page 45)

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VERSIONS OF THIS BILL

[12/13/2012](#)

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A BILL

TO AMEND SECTION 17-15-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL, AND IS SUBSEQUENTLY CHARGED WITH A VIOLENT OFFENSE, SHALL BE DENIED BAIL WHEN THE PROSECUTOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT NO CONDITION OR COMBINATION OF CONDITIONS REASONABLY ASSURES THE SAFETY OF ANY OTHER PERSON OR THE SAFETY OF THE COMMUNITY IF THE PERSON IS RELEASED, AND TO REQUIRE THE COURT TO CONSIDER THE SOURCE OF FUNDS TO POST BAIL AS IT RELATES TO NONAPPEARANCE.

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

SECTION 1. Section 17-15-30 of the 1976 Code, as last amended by Act 286 of 2012, is further amended to read:

“Section 17-15-30.(A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, a court may, on the basis of available information, consider the nature and circumstances of an offense charged and an accused’s:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;

1 (6) record of convictions; and
2 (7) record of flight to avoid prosecution or failure to appear
3 at other court proceedings.

4 (B) A court shall consider, if available:

5 (1) an accused's criminal record;
6 (2) any charges pending against an accused at the time
7 release is requested;

8 (3) all incident reports generated as a result of an offense
9 charged; ~~and~~

10 (4) whether an accused is an alien unlawfully present in the
11 United States, and poses a substantial flight risk due to this status;
12 and

13 (5) the source of funds used to post bail insofar as it affects
14 the risk of nonappearance.

15 (C)(1) Prior to or at the time of a hearing, the arresting law
16 enforcement agency shall provide the court with the following
17 information, if available:

18 (a) the accused's criminal record;

19 (b) any charges pending against the accused at the time
20 release is requested;

21 (c) all incident reports generated as a result of the offense
22 charged; and

23 (d) any other information that will assist the court in
24 determining conditions of release.

25 (2) The arresting law enforcement agency shall inform the
26 court if any of the information is not available at the time of the
27 hearing and the reason the information is not available. Failure on
28 the part of the law enforcement agency to provide the court with
29 the information does not constitute grounds for the postponement
30 or delay of the person's hearing.

31 (D) If a person has previously been released on bail pending
32 trial and during his release is charged with a violent offense as
33 defined by Section 16-1-60, and the court finds, by a
34 preponderance of the evidence, that no condition or combination of
35 conditions will reasonably assure the appearance of the person as
36 required or the safety of any person and the community, then the
37 court shall deny release of the person pending trial.

38 ~~(D)~~(E) A court hearing these matters has contempt powers to
39 enforce the provisions of this section.”

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

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