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Quick Facts on Bonds in South Carolina

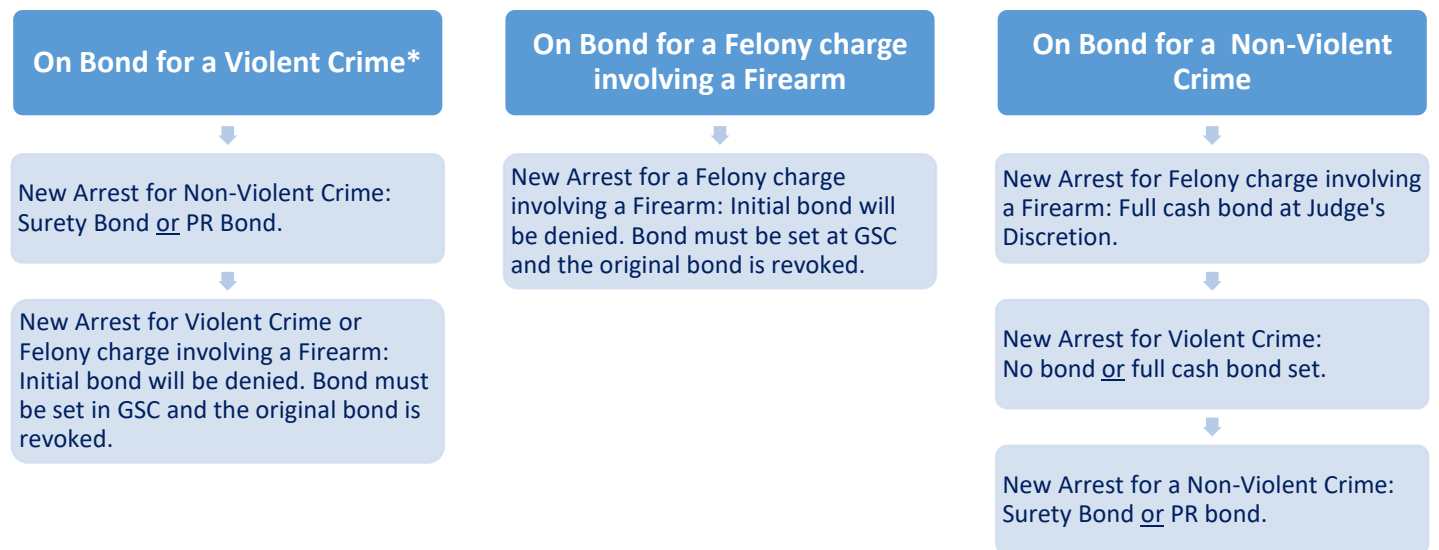
What happens at a bond hearing? When someone is arrested in South Carolina, they generally receive a bond hearing within 24 hours. At an initial bond hearing, a judge will read out the charges, explain some legal rights and, in most cases, set a person's bond and tell them whether any other conditions need to be issued to ensure that the person appears in court later on and obeys the law in the interim.

What is a bond? The judge decides what terms a person must comply with to be released from jail. Bond terms can include an amount of money or restrictions like house arrest or wearing an electronic monitor. The terms issued depend very much on the type of charge someone is facing. More serious charges will often have more terms that must be met. See below for the different types of bonds.

Bond Types:

- Personal Recognizance or "PR" bond: Allows the person to be released from jail without having to pay money to the Court.
- Surety: The person must pay a percentage of the set bond amount to be released from jail. This percentage may be paid by the individual or through a commercial Bail Bonding Agency.
- Cash Bond: The person must pay the full amount of the bond to be released from jail. This amount may be paid by the individual or through a commercial Bail Bonding Agency.
- No Bond: Certain serious charges can be denied bond at the initial bond hearing. In those cases, the arrested person remains in jail until a later bond hearing in General Sessions Court (GSC), which must be requested by the person's attorney.

What if someone is already out on bond and is rearrested? It depends on the original and new charges.



What happens if a person cannot pay the bond set by the Court? They could remain in jail until trial or the case is resolved. They can hire a private attorney or apply for an attorney through the Public Defender's office. An attorney can assist in requesting that the original bond be reconsidered at a later date.

What happens to a person whose bond is revoked because they do not meet the terms set by the Court? They could remain in jail until trial or the case is resolved. Again, an attorney may be able to help in this situation.

*A violent offense in South Carolina is defined in SC Code § 16-1-60 (2022) see reverse for list



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A violent offense in South Carolina is defined in SC Code § 16-1-60 (2022) as:

1. ***murder (16-3-10);**
2. attempted murder (16-3-29);
3. assault and battery by mob, first degree, resulting in death (16-3-210(B)),
4. criminal sexual conduct in the second degree (16-3-652 and 16-3-653);
5. criminal sexual conduct with minors, first, second, and third degree (16-3-655); ***1st degree**
***criminal sexual conduct with minors, first degree (16-3-655 (A)(1));**
6. assault with intent to commit criminal sexual conduct, first and second degree (16-3-656);
7. assault and battery with intent to kill (16-3-620);
8. assault and battery of a high and aggravated nature (16-3-600(B));
9. kidnapping (16-3-910); ***if act results in murder**
10. trafficking in persons (16-3-930);
11. voluntary manslaughter (16-3-50);
12. armed robbery (16-11-330(A));
13. attempted armed robbery (16-11-330(B));
14. carjacking (16-3-1075);
15. drug trafficking as defined in 44-53-370(e) or trafficking cocaine base as defined in 44-53-375(C);
16. manufacturing or trafficking methamphetamine as defined in 44-53-375;
17. arson in the first degree (16-11-110(A));
18. arson in the second degree (16-11-110(B));
19. burglary in the first degree (16-11-311);
20. burglary in the second degree (16-11-312(B));
21. engaging a child for a sexual performance (16-3-810);
22. ***homicide by child abuse (16-3-85(A)(1));**
23. aiding and abetting homicide by child abuse (16-3-85(A)(2));
24. inflicting great bodily injury upon a child (16-3-95(A));
25. allowing great bodily injury to be inflicted upon a child (16-3-95(B));
26. criminal domestic violence of a high and aggravated nature (16-25-65);
27. abuse or neglect of a vulnerable adult resulting in death (43-35-85(F));
28. abuse or neglect of a vulnerable adult resulting in great bodily injury (43-35-85(E));
29. taking of a hostage by an inmate (24-13-450);
30. ***detonating a destructive device upon the capitol grounds resulting in death with malice (10-11-325(B)(1));**
31. spousal sexual battery (16-3-615);
32. producing, directing, or promoting sexual performance by a child (16-3-820);
33. sexual exploitation of a minor first degree (16-15-395);
34. sexual exploitation of a minor second degree (16-15-405);
35. promoting prostitution of a minor (16-15-415);
36. participating in prostitution of a minor (16-15-425);
37. aggravated voyeurism (16-17-470(C));
38. ***detonating a destructive device resulting in death with malice (16-23-720(A)(1));**
39. detonating a destructive device resulting in death without malice (16-23-720(A)(2));
40. boating under the influence resulting in death (50-21-113(A)(2));
41. vessel operator's failure to render assistance resulting in death (50-21-130(A)(3));
42. damaging an airport facility or removing equipment resulting in death (55-1-30(3));
43. failure to stop when signaled by a law enforcement vehicle resulting in death (56-5-750(C)(2));
44. interference with traffic-control devices, railroad signs, or signals resulting in death (56-5-1030(B)(3));
45. hit and run resulting in death (56-5-1210(A)(3));
46. felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (56-5-2945(A)(2));
47. ***putting destructive or injurious materials on a highway resulting in death (57-7-20(D));**
48. ***obstruction of a railroad resulting in death (58-17-4090);**
49. ***accessory before the fact to commit any of the above offenses (16-1-40); and /or attempt to commit any of the above offenses (16-1-80).**

Only those offenses specifically enumerated in this are considered violent offenses.

***These offenses MUST have bond set by a circuit court judge**

*See SC codes § 17-15-10 and 17-15-270 for further information regarding bond