State of South Carolina
Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

June 17, 2013

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
506 Blatt Building
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval R94, H.3342 which requires solicitors to post notice of a proposed bench warrant at a courthouse and on the website of the solicitor forty-eight hours before the issuance of the warrant.

I am vetoing this bill for two reasons. **First, both solicitors and sheriffs, including Christina Adams, President of the Solicitor's Association of South Carolina, and Jeffrey Moore, Executive Director of the South Carolina Sheriffs' Association, are opposed to this bill becoming law.** Not only does this legislation put undue burden on local governments, but it potentially puts the people of South Carolina at risk by creating large time delays in bench warrants being served, particularly in rural areas across the state. In addition, it would only serve to further complicate our state's already overburdened judicial system with additional legal requirements, unnecessary paperwork, and untold hours in courthouse staff time and energy.

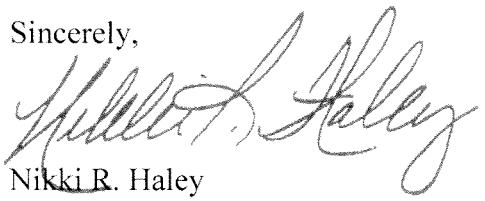
Second, the very essence of this bill strikes at the heart of the personal responsibility that our judicial system seeks to impart on those called before judges and courts throughout South Carolina. The proper role of the courts is deciding whether laws have been broken, not working to assume the responsibility for the actions of defendants. If a person is intent on avoiding their court appearance there is little the State can do to prevent it beforehand and it is then the legal right of the court to issue a bench warrant to force the matter.

All defendants have the right, both legally and morally, to timely and efficient notification of their court appearance date, time, and location and that is exactly what our current system provides. In addition, defendants or their representatives have the ability to contact local clerk offices to obtain or clarify any of this information. This is more than sufficient notice and going any farther would only serve to place the burden of responsibility on the courts instead of the defendant – where it rightfully belongs.

Any argument to be made for providing advanced warning of the issuance of bench warrants ultimately fails in comparison to the idea that the courts need to hold individuals responsible for their own actions and that those inclined to avoid court appearances will not likely be dissuaded by posting information on the internet.

For these reasons, I am vetoing R94, H.3342.

Sincerely,



Nikki R. Haley