

From: Mayer, Doug
To: Soura, Christian <ChristianSoura@gov.sc.gov>
Baker, Josh <JoshBaker@gov.sc.gov>
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Subject: Let it rip gents

June 17, 2013

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3342, R94 which requires solicitors to post notice of a proposed bench warrant at a courthouse and on the website of the solicitor 48 hours before the issuance of the warrant.

I am vetoing this bill for two reasons. First, 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.

Second, the unintended consequences of this bill place undue burdens on local governments, especially those in rural areas across the state. This sentiment has been echoed by both judges and solicitors who believe the bill is legislative overkill and 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.

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

Sincerely,

Nikki R. Haley

Douglass V. Mayer

Deputy Communications Director

Direct: 803-734-3146

Cell: 803-360-3285

dougmayer@gov.sc.gov