

# Bail Timeline: Arrest → Release (South Carolina)

This guide is provided for general educational purposes only and does not constitute legal advice.

## Purpose of This Guide

After an arrest, clients and families are often given incomplete or conflicting information about when release will occur. This timeline explains the **typical sequence of events** from arrest to release in South Carolina, with realistic expectations about timing and common delays.

This resource is designed to help:

- Criminal defense attorneys reduce client confusion
- Families understand what happens after arrest
- Set accurate expectations about release timing

## Step 1: Arrest

- An individual is taken into custody by a law enforcement agency
- The arrest may occur during a traffic stop, investigation, warrant service, or other enforcement action
- At this stage, **no bail has been set**

**Important:** Arrest does *not* mean immediate eligibility for release

## Step 2: Intake & Booking

The individual is transported to the detention facility

- Booking includes:
  - Identity verification
  - Fingerprinting and photographs
  - Property inventory
  - Database checks for warrants or holds

**Timing:** Intake can take several hours depending on facility workload

### Common Delays:

- High arrest volume
- Staffing limitations
- Medical screening

## Step 3: Bond Hearing / Bail Setting

Bail is set either:

- By a magistrate judge
- During a scheduled bond hearing

Factors considered may include:

- Charge severity
- Prior criminal history
- Flight risk
- Public safety considerations

Outcome:

- Bail may be granted, denied, or set with conditions

## Step 4: Determining Bond Eligibility

Once bail is set:

- The defendant may be eligible to post bond
- Eligibility depends on:
  - Type of charge
  - Conditions imposed by the court
  - Presence of any holds or detainers

**Important:** Not all bonds are immediately eligible for posting.

## Step 5: Bail Bond Process (If Applicable)

If a bail bond is used:

- South Carolina law requires a **10% premium** of the total bail amount
- This fee is set by statute and **cannot be discounted or financed**
- The bail bond company prepares required documentation for submission

**Note:** Posting bond does not equal immediate release.

## Step 6: Jail Processing After Bond Is Posted

After bond paperwork is accepted:

- The detention facility completes release processing
- Additional checks are performed to confirm:
  - No outstanding warrants
  - No additional holds

- All documentation is complete

**This stage often causes the longest delays.**

## Step 7: Release from Custody

- Once processing is complete, the individual is released
- Release timing varies widely

**Typical Timeframes:**

- Several hours to more than a full day after bond is posted

Release timing depends on:

- Jail workload
- Time of day
- Staffing
- Administrative backlogs

## Common Reasons Release Is Delayed

- Probation or parole holds
- GPS/other monitoring holds and requirements
- Out-of-county or out-of-state warrants
- ICE or Federal detainees
- Incomplete paperwork
- High-volume intake periods

Delays are usually **administrative**, not punitive.

## Key Takeaways for Clients & Families

- Bail posting does not guarantee immediate release
- Delays are common and often unavoidable
- Attorneys, courts, and bail bond companies operate as separate entities  
expectations reduce frustration and confusion