

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 detainers
- 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