

Session 105 - (1983-1984)

H 2155 Joint Resolution, By Sheheen, P. Freeman, J.H. Toal and Wilkins

Similar (H 2330)

A Joint Resolution proposing an amendment to Article V of the Constitution of South Carolina, 1895, relating to the Judicial Department, so as to provide for the establishment of a Court of Appeals with such jurisdiction as the General Assembly shall prescribe; to provide that the General Assembly may increase the membership of the Supreme Court from five to a maximum of seven and that once increased the membership shall not be decreased; to provide that a majority of the justices of the Supreme Court shall constitute a quorum and a concurrence of a majority of the justices shall be necessary for a reversal of the judgment below; to provide that if the number of associate justices of the Supreme Court is increased, their initial terms may be less than ten years; to provide for the creation of the Judicial Commission as the sole authority to promulgate rules of practice and procedure for the unified judicial system and for the membership thereof; to provide for a definition of practice and procedure; to provide that in cases pertaining to domestic relations which arise out of a court with jurisdiction over such matters, a review of findings of fact shall be limited to a determination of whether there is substantial evidence to sustain such facts; to provide that the Court of Appeals shall consist of a Chief Judge and at least five Associate Judges with the number to be determined by law; to provide that the Chief Judge shall preside and in his absence the Senior Associate Judge; to provide that the Court of Appeals shall sit in panels and, as provided by the General Assembly, may sit en banc; to provide that the members of the Court of Appeals shall be elected by a joint public vote of the General Assembly for a term of six years, except in the first election when staggered terms shall be provided for; to provide that in any contested election for a position on the Court of Appeals, the vote of each member of the General Assembly present and voting shall be recorded; to provide that the jurisdiction of the Court of Appeals shall be as the General Assembly shall provide; to provide that the Court of Appeals shall be bound by the decisions of the Supreme Court; to provide that the judges of the Court of Appeals, subject to the administrative authority of the Chief Justice, shall appoint a Clerk of Court for the Court of Appeals; to provide that the judges of the Court of Appeals shall receive compensation to be determined by law; to provide for the filling of vacancies on the Court of Appeals by election or, if the unexpired term does not exceed one year, by appointment of the Governor; to provide that the judges of the Court of Appeals shall have the same power to issue prerogative writs at chambers as when in open court and such other powers at chambers as the General Assembly may provide; to provide that the decisions of the Court of Appeals shall be published as provided by the General Assembly; and to delete obsolete language which permits existing courts to be continued until Article V is implemented.

01/11/83 House Introduced and read first time HJ-238

01/11/83 House Referred to Committee on Judiciary HJ-239

03/17/83 House Tabled in committee