COMMITTEE REPORT

March 24, 2010

**H. 4450**

Introduced by Reps. Rutherford and Bales

S. Printed 3/24/10--H.

Read the first time January 28, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4450) to amend the Code of Laws of South Carolina, 1976, by adding Sections 14‑25‑210 and 22‑3‑1020 so as to provide that municipal court, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting SECTION 3 in its entirety, page 2, lines 1 through 13.

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 14‑25‑210 AND 22‑3‑1020 SO AS TO PROVIDE THAT MUNICIPAL COURT JUDGES AND MAGISTRATES, RESPECTIVELY, ARE RESPONSIBLE FOR THE DOCKET IN THEIR COURTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14‑25‑210. Preparation of the dockets for municipal court is exclusively vested in the municipal court judge, and the municipal court judge shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of court, the municipal court judge shall require to be prepared and published a docket setting forth the cases to be called for trial during the term.”

SECTION 2. Article 9, Chapter 3, Title 22 of the 1976 Code is amended by adding:

“Section 22‑3‑1020. Preparation of the dockets for magistrates court is exclusively vested in the magistrate, and the magistrate shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of court, the magistrate shall require to be prepared and published a docket setting forth the cases to be called for trial during the term.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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