~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 22, 2012

**S. 1055**

Introduced by Senators McConnell and Ford

S. Printed 2/22/12--S. [SEC 2/23/12 2:48 PM]

Read the first time January 10, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1055) to amend Section 14‑27‑20, Code of Laws of South Carolina, 1976, relating to the composition of the Judicial Council, so as to provide for two additional, etc., respectfully

**REPORT:**

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

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department indicates that enactment of this bill will have no fiscal impact on the General Fund of the State, or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 14‑27‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS, AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD AS A MEMBER, A MUNICIPAL COURT JUDGE IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14‑27‑30 RELATING TO THE CHIEF JUSTICE APPOINTING A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW AND APPOINTING THE SUMMARY COURT JUDGES; AND TO AMEND SECTION 14‑27‑40 RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR-YEAR TERM.

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

SECTION 1. Section 14‑27‑20 of the 1976 Code is amended to read:

“The Judicial Council is composed of the following:

(1) the Chief Justice of the Supreme Court of South Carolina or some other member of the court designated by him or her;

(2) the Chief Judge of the South Carolina Court of Appeals;

~~(2)~~(3) two circuit court judges of the State;

~~(3)~~(4) two family court judges of the State;

~~(4)~~(5) two probate judges of the State;

~~(5)~~(6) the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors;

~~(6)~~(7) the Dean or a member of the faculty of the Law School of the University of South Carolina;

(8) one person recommended by the Charleston School of Law;

~~(7)~~(9) ~~the President of the South Carolina Bar~~ one person recommended by the South Carolina Bar;

~~(8)~~(10) the Lieutenant Governor or his designee;

~~(9)~~(11) the Speaker of the House of Representatives or his designee;

~~(10)~~(12) the Chairman of the Senate Finance Committee or his designee;

~~(11)~~(13) the Chairman of the House Ways and Means Committee or his designee;

~~(12)~~(14) the Chairman of the Senate Judiciary Committee or his designee;

~~(13)~~(15) the Chairman of the House Judiciary Committee or his designee;

~~(14)~~(16) the Director of the Legislative Council;

~~(15)~~(17) six other members, of whom at least four must be members of the bar of this State;

~~(16)~~(18) two ~~judges of the magistrates’ courts~~ summary court judges: one shall be a magistrate court judge, and one shall be a municipal court judge; and

~~(17)~~(19) two masters‑in‑equity.”

SECTION 2. Section 14‑27‑30 of the 1976 Code is amended to read:

“The Chief Justice of the Supreme Court shall appoint the following members to the Judicial Council: the two circuit judges; the two family court judges; the two probate judges; the two ~~judges of the magistrates’ courts~~ summary court judges; the two masters‑in‑equity; the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors; the Dean or member of the faculty of the Law School of the University of South Carolina; one person recommended by the Charleston School of Law; and the six remaining members of the Judicial Council.

The Lieutenant Governor, the Speaker of the House or their designees, the chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees, the Director of the Legislative Council, and ~~the President of the South Carolina Bar~~ the person recommended by the South Carolina Bar and appointed by the Chief Justice all serve ex officio.”

SECTION 3. Section 14‑27‑40 of the 1976 Code is amended to read:

“Members of the Judicial Council serve for the following terms:

(1) If he designates no other member of the Supreme Court, the Chief Justice serves during his term of office. If the Chief Justice designates some other member of the court, the other member serves during his term of office.

(2) The Lieutenant Governor, Speaker of the House or their designees, and the chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.

(3) The ~~President of the South Carolina Bar serves during his term of office~~ person recommended by the South Carolina Bar and appointed by the Chief Justice serves coterminous with the term of the President of the South Carolina Bar who makes the recommendation of the person for appointment.

(4) The Chief Judge of the South Carolina Court of Appeals serves during his term of office.

~~(4)~~(5) The member of the legal department of the State (Attorney General, one of the Assistant Attorneys General, or one of the circuit solicitors) serves for a period of four years.

~~(5)~~(6) The Dean or member of the faculty of the Law School of the University of South Carolina and the person recommended by the Charleston School of Law ~~serves~~ serve for a period of four years.

~~(6)~~(7) The two circuit judges serve for a period of four years each.

~~(7)~~(8) The two family court judges serve for a period of four years each.

~~(8)~~(9) The two judges of the probate courts serve for a period of four years each.

~~(9)~~(10) The Director of the Legislative Council serves during his term of office.

~~(10)~~(11) The two ~~judges of the magistrates’ courts~~ summary court judges serve for a period of four years each.

~~(11)~~(12) The two masters‑in‑equity serve for a period of four years each.

~~(12)~~(13) Three of the remaining six members of the Judicial Council must be appointed initially for terms of two years each, and three members must be appointed initially for terms of four years each. After the initial appointments all six members must be appointed for terms of four years each.

The members designated in items (4), (5), (6), (7), (8), ~~(10), and~~ (9), (11), and (12) cease to be members of the Judicial Council before the expiration of their respective terms if they cease to hold the official positions entitling them to membership on the Judicial Council.”

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

‑‑‑‑XX‑‑‑‑