**South Carolina General Assembly**

120th Session, 2013-2014

**S. 197**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Bright

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Introduced in the Senate on January 9, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Appointment of Administrative Law Court Judges

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/9/2013 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2013\01-09-13.docx))

1/9/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2013\01-09-13.docx))

**VERSIONS OF THIS BILL**

[1/9/2013](file:///p:\pprever\2013-14\197_20130109.docx)

**A** **BILL**

TO AMEND SECTION 63‑3‑30 OF THE 1976 CODE, RELATING TO FAMILY COURT JUDGE QUALIFICATIONS AND TERMS, TO PROVIDE THAT FAMILY COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTION 1‑23‑510, RELATING TO THE ELECTION OF ADMINISTRATIVE LAW COURT JUDGES, TO PROVIDE THAT ADMINISTRATIVE LAW COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND TO MAKE CONFORMING AMENDMENTS TO SECTIONS 1‑23‑525 AND 1‑23‑550.

SECTION 1. Section 63‑3‑30 of the 1976 Code is amended to read:

“Section 63‑3‑30. (A)(1) No person shall be eligible to the office of family court judge who is not at the time of his assuming the duties of such office a citizen of the United States and of this State, and has not attained the age of thirty‑two years, has not been a licensed attorney at law for at least eight years, and has not been a resident of this State for five years next preceding his election, and is not a resident of the circuit wherein the family court of which he is a judge is located. Notwithstanding any other provision of law, any former member of the General Assembly may be ~~elected~~ appointed to the office of family court judge.

(2) Any family court judge serving in office on the effective date of the provisions of this section requiring a family court judge to be at least thirty‑two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney at law for purposes of future ~~re‑elections~~ reappointment to the office of family court judge.

(B) Family court judges must be ~~elected by the General Assembly~~ appointed by the Governor, with the advice and consent of the Senate, for terms of six years and until their successors are ~~elected and qualify~~ appointed and confirmed.

(C) The terms of all family court judges expire on the thirtieth day of June of the year in which their terms are scheduled to expire.

(D) For the purpose of ~~electing~~ appointing family court judges, if more than one judge is to be ~~elected~~ appointed from a circuit, each judgeship in that circuit shall be serially numbered beginning with the number (1) and the ~~General Assembly shall elect~~ Governor shall appoint a judge for each such judgeship. ~~Any candidate for the office of family court judge in a circuit shall specifically file and run for a serially‑numbered judgeship in that circuit.~~ When making appointments for a serially numbered judgeship, the Governor must identify which numbered judgeship for which the appointment is made.

(E) ~~When a vacancy occurs for an unexpired term in an office of family court judge, the Governor, upon recommendation of the Chief Justice, shall commission a temporary family court judge to fill such vacancy until such time as the General Assembly shall elect a successor who shall serve for the remainder of the unexpired term. Such temporary family court judge shall receive as compensation for his services the salary paid to a regular family court judge and in addition thereto shall also receive the subsistence and mileage as authorized by law for family court judges.~~ All vacancies in the office of family court judge must be filled in the manner of original appointment. When a vacancy is filled, the judge appointed shall hold office only for the unexpired term of his predecessor.”

SECTION 2. A. Section 1‑23‑510 of the 1976 Code is amended to read:

“Section 1‑23‑510. (A) The judges of the division must be ~~elected by the General Assembly in joint session~~ appointed by the Governor with the advice and consent of the Senate, for a term of five years and until their successors are ~~elected and qualify~~ appointed and confirmed.~~; provided, that of those judges initially elected, the chief judge, elected to Seat 1 must be elected for a term of five years, the judge elected to Seat 2 must be elected for a term of three years, the judge elected to Seat 3 must be elected for a term of one year. The remaining judges of the division must be elected for terms of office to begin February 1, 1995, for terms of five years and until their successors are elected and qualify; provided, that those judges elected to seats whose terms of office are to begin on February 1, 1995, to Seat 4 must be initially elected for a term of five years, the judge elected to Seat 5 must be initially elected for a term of three years, and the judge elected to Seat 6 must be initially elected for a term of one year. The terms of office of the judges of the division for Seats 1, 2, and 3 shall begin on March 1, 1994. The terms of office of the judges of the division for Seats 4, 5, and 6 shall begin on February 1, 1995.~~ The terms of office of each of the seats shall terminate on the thirtieth day of June in the final year of the term for the respective seats.

(B) In ~~electing~~ appointing administrative law judges, race, gender, and other demographic factors including age, residence, type of practice, and law firm size should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State.

~~(C)~~ ~~Before election as an administrative law judge, a candidate must undergo screening pursuant to the provisions of Section 2‑19‑10, et seq.~~

~~(D)~~(C) Each seat on the division must be numbered. ~~Elections~~ Appointments are required to be for a specific seat. The office of chief administrative law judge is a separate and distinct office for the purpose of ~~an election~~ appointment.

(E) In the event that there is a vacancy in the position of the chief administrative law judge or for any reason the chief administrative law judge is unable to act, his powers and functions must be exercised by the most senior administrative law judge as determined by the date of their election to the division.”

B. Section 1‑23‑525 of the 1976 Code is amended to read:

“Section 1‑23‑525. No member of any General Assembly who is not otherwise prohibited from being ~~elected~~ appointed to an administrative law judge position may be ~~elected~~ appointed to such position while he is a member of the General Assembly and for a period of four years after he ceases to be a member of the General Assembly.”

C. Section 1‑23‑550 of the 1976 Code is amended to read:

“Section 1‑23‑550. All vacancies in the office of administrative law judge must be filled in the manner of original appointment. When a vacancy is filled, the judge ~~elected~~ appointed shall hold office only for the unexpired term of his predecessor.”

SECTION 3. This act takes effect upon approval by the Governor.

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