**South Carolina General Assembly**

120th Session, 2013-2014

**S. 240**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Sheheen

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Introduced in the Senate on January 16, 2013

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

Summary: Magistrate vacancies

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2013 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h:\SJ%20Archive\2013\01-16-13.docx))

1/16/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h:\SJ%20Archive\2013\01-16-13.docx))

**VERSIONS OF THIS BILL**

[1/16/2013](file:///p:\pprever\2013-14\240_20130116.docx)

**A** **BILL**

TO AMEND SECTION 22‑1‑10 OF THE 1976 CODE, RELATING TO THE APPOINTMENT, TERM, AND TERRITORIAL JURISDICTION OF MAGISTRATES, TO PROVIDE THAT THE SUPREME COURT MUST PROVIDE THE GOVERNOR WITH NOMINEES TO FILL MAGISTRATE VACANCIES; AND TO AMEND SECTION 22‑2‑10, TO PROVIDE THAT THE SUPREME COURT MAY APPOINT A SCREENING COMMITTEE TO ASSIST IN THEIR SELECTION OF NOMINEES.

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

SECTION 1. Section 22‑1‑10(A) of the 1976 Code is amended to read:

“(A) The Governor, by and with the advice and consent of the Senate, ~~may~~ shall appoint magistrates in each county of the State from among the nominees provided by the Supreme Court. Magistrates shall serve for a term of four years and until their successors are appointed and qualified, or their positions are terminated as provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40.

Magistrates serving the counties of Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Cherokee, Chesterfield, Clarendon, Colleton, Dillon, Edgefield, Florence, Greenville, Hampton, Jasper, Lancaster, Lee, Marion, McCormick, Oconee, Pickens, Saluda, Sumter, and Williamsburg shall serve terms of four years commencing May 1, 1990. Magistrates serving the counties of Aiken, Anderson, Barnwell, Berkeley, Charleston, Chester, Darlington, Dorchester, Fairfield, Georgetown, Greenwood, Horry, Kershaw, Laurens, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Union, and York shall serve terms of four years commencing May 1, 1991.

At least ninety days before the date of the commencement of the terms provided in the preceding paragraph and every four years thereafter, each county governing body must inform, in writing, the ~~Senators representing that county~~ Clerk of the Supreme Court of the number of full‑time and part‑time magistrate positions available in the county, the number of work hours required by each position, the compensation for each position, and the area of the county to which each position is assigned. If the county governing body fails to inform, in writing, the ~~Senators representing that county~~ Clerk of the Supreme Court of the information as required in this section, then the compensation, hours, and location of the full‑time and part‑time magistrate positions available in the county remain as designated for the previous four years.

Each magistrate’s number of work hours, compensation, and work location must remain the same throughout the term of office, except for a change (1) specifically allowed by statute or (2) authorized by the county governing body at least four years after the magistrate’s most recent appointment and after a material change in conditions has occurred which warrants the change. Nothing provided in this section prohibits the raising of compensation or hours and compensation during a term of office. No magistrate may be paid for work not performed except for bona fide illness or as otherwise provided by law.

The number of magistrates to be appointed for each county and their territorial jurisdiction are as prescribed by law before March 2, 1897, for trial justices in the respective counties of the State, except as otherwise provided in this section.”

SECTION 2. Section 22‑2‑10 of the 1976 Code is amended to read:

“Section 22‑2‑10. ~~A senatorial delegation~~ The Supreme Court, in determining the persons to be recommended to the Governor for appointment as magistrates, may appoint a screening committee to assist ~~them~~ in their selection of nominees.”

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

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