**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4125**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mitchell, Gilliard, King, Howard, Williams, McEachern, Whipper, Hosey, Hodges, Govan, McKnight, Jefferson and Clyburn

Document Path: l:\council\bills\nl\13521sd15.docx

Introduced in the House on May 5, 2015

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

Summary: Eligibility of magistrates to serve

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/5/2015 House Introduced and read first time ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\05-05-15.docx))

5/5/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\05-05-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4125&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/5/2015](file:///p:\pprever\2015-16\4125_20150505.docx)

**A** **BILL**

TO AMEND SECTION 22‑2‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELIGIBILITY OF MAGISTRATES TO SERVE, SO AS TO PROVIDE THAT THE SENATORIAL DELEGATION REPRESENTING A COUNTY IN MAKING RECOMMENDATIONS TO THE GOVERNOR FOR PERSONS TO BE APPOINTED TO EACH MAGISTERIAL POSITION IN THE COUNTY ALSO MUST COMPLY WITH THE PROVISIONS OF SECTION 22‑2‑10, AND TO PROVIDE THAT THE GOVERNOR MAY NOT CONSIDER ANY SUCH RECOMMENDATIONS WHERE THESE PROVISIONS HAVE NOT BEEN COMPLIED WITH IN REGARD TO THE MAGISTERIAL POSITION CONCERNED; AND TO AMEND SECTION 22‑2‑10 RELATING TO SCREENING COMMITTEES TO ASSIST SENATORIAL DELEGATIONS IN SELECTING MAGISTRATES, SO AS TO PROVIDE THAT A SENATORIAL DELEGATION IN DETERMINING THE PERSONS TO BE RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT AS MAGISTRATES FIRST MUST CONSULT WITH AND RECEIVE INPUT FROM THE MEMBERS OF THE HOUSE OF REPRESENTATIVES REPRESENTING THAT COUNTY AT A MEETING CALLED FOR THIS PURPOSE.

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

SECTION 1. Section 22‑2‑5 of the 1976 Code is amended by adding a new subsection (D) to read:

“(D) The senatorial delegation representing a county in making recommendations to the Governor for persons to be appointed to each magisterial position in the county determined in the manner provided by Section 22‑1‑10 before making a recommendation for any such magisterial position also first must comply with the provisions of Section 22‑2‑10, and the Governor may not consider any such recommendation unless the provisions of Section 22‑2‑10 have been complied with in regard to the magisterial position concerned.”

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

“Section 22‑2‑10. A senatorial delegation in determining the persons to be recommended to the Governor for appointment as magistrates first must consult with and receive input from the members of the House of Representatives representing that county at a meeting called for this purpose, and additionally may appoint a screening committee to assist them in their selection of nominees. The consultation and input required by this section from the members of the House of Representatives representing that county includes a discussion of the names and qualifications of potential nominees for each full‑time or part‑time magisterial position in the county, incumbents or otherwise, and the strengths and weaknesses of each candidate.”

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

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