~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 20, 2015

**H. 3862**

Introduced by Reps. Quinn, McCoy, Stavrinakis, Bingham, Newton, Bradley, Burns, Merrill, Atwater, Bannister, Bedingfield, Bernstein, Hamilton, Henderson, Herbkersman, Hixon, Huggins, Lowe, Putnam, Rutherford, G.M. Smith, G.R. Smith, J.E. Smith, Stringer and Toole

S. Printed 5/20/15--H.

Read the first time March 18, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3862) to amend Section 14‑1‑215, as amended, Code of Laws of South Carolina, 1976, relating to retired judges and justices continuing to preside in certain courts, 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 striking all after the enacting words and inserting:

/ SECTION 1. Section 2-19-40 of the 1976 Code is amended to read:

“Section 2-19-40. Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held. This section does not apply to retired justices and judges.”

SECTION 2. Section 2-19-100 of the 1976 Code is amended to read:

“Section 2-19-100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the Judicial Merit Selection Commission under procedures it shall establish to review retired judges’ qualifications for continued judicial service ~~and~~, be found by the commission to be qualified to serve in these situations within ~~four~~ two years of the date of his appointment to serve~~, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired~~ and be elected by the General Assembly in joint session.”

SECTION 3. This act takes effect upon approval by the Governor and all retired judges and justices appointed by the Chief Justice to preside over any court in this State after January 1, 2016, must be elected by the General Assembly as provided in this act. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 14‑1‑215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIRED JUDGES AND JUSTICES CONTINUING TO PRESIDE IN CERTAIN COURTS, SO AS TO REQUIRE THAT IN ADDITION TO CURRENT SCREENING REQUIREMENTS REGARDING RETIRED JUDGES AND JUSTICES PROVIDED BY CHAPTER 19, TITLE 2, RETIRED JUDGES AND JUSTICES ASSIGNED BY THE CHIEF JUSTICE TO PRESIDE OVER ANY PROCEEDING BEFORE A CIRCUIT OR FAMILY COURT OR TO ACT AS AN ASSOCIATE JUSTICE IN A PROCEEDING BEFORE THE SUPREME COURT OR COURT OF APPEALS ALSO MUST BE CONFIRMED EVERY TWO YEARS BY THE GENERAL ASSEMBLY IN JOINT SESSION BEGINNING JANUARY 1, 2016.

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

SECTION 1. Section 14‑1‑215 of the 1976 Code, as last amended by Act 391 of 1996, is further amended to read:

“Section 14‑1‑215. (A) A retired judge or justice from the Supreme Court, court of appeals, or circuit court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any circuit court of this State. A retired judge or justice from the Supreme Court or court of appeals of this State may be assigned by the Chief Justice of the Supreme Court to act as an associate justice or judge in any proceeding before the Supreme Court or court of appeals. A retired judge from the family court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any family court of this State.

(B) In order to be eligible to be appointed by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed in the manner provided in Section 2‑19‑10 et seq. and found by the commission to be qualified to serve in these situations within two years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

(C) In addition to judicial screening requirements for retired judges and justices pursuant to the provisions of Chapter 19, Title 2, a retired judge or justice appointed by the Chief Justice of the Supreme Court to preside over a proceeding before a circuit or family court or to act as an associate justice in a proceeding before the Supreme Court or Court of Appeals also must be confirmed every two years by the General Assembly meeting in joint session. The Judicial Merit Selection Commission shall set the schedule for these confirmations to coincide with the commission’s findings that a retired judge or justice is qualified to continue to serve in this capacity.”

SECTION 2. This act takes effect upon approval by the Governor and all retired judges and justices appointed by the Chief Justice to preside over any court in this State after January 1, 2016, must be confirmed by the General Assembly as provided in this act.

‑‑‑‑XX‑‑‑‑