**South Carolina General Assembly**

124th Session, 2021-2022

**S. 246**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Young

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Introduced in the Senate on January 12, 2021

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 234](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 234](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\246_20201209.docx)

**A** **BILL**

TO AMEND SECTION 22-1-10(A) OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF MAGISTRATES, TO PROVIDE THAT A MAGISTRATE MAY SERVE IN HOLDOVER STATUS FOR NO MORE THAN FOURTEEN DAYS AT THE END OF HIS TERM, TO PROVIDE THAT THE GOVERNOR MAY APPOINT A TEMPORARY MAGISTRATE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT ANY MAGISTRATE OR MAGISTRATE CANDIDATE WHO HAS BEEN REPRIMANDED BY THE SUPREME COURT OR ANY OTHER DISCIPLINARY AUTHORITY MAY NOT BE APPOINTED OR REAPPOINTED UNLESS APPROVED BY A MAJORITY OF THE SENATE AFTER THE SENATE IS INFORMED OF THE REPRIMAND OR DISCIPLINARY ACTION.

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:

“Section 22-1-10. (A)(1) The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years and until their successors are appointed and qualified pursuant to item (2), or until their positions are terminated as provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40.

(2) A magistrate may serve in a holdover capacity for no more than fourteen days from the expiration of the magistrate’s term. If a magistrate is not appointed within this time because of the Senate’s failure to give advice and consent, then the Governor may make a temporary appointment until advice and consent is received for a permanent appointment. Any magistrate or magistrate candidate who has been reprimanded by the Supreme Court of South Carolina or any other disciplinary authority may not be appointed or reappointed unless approved by a majority of the Senate after the Senate is informed of the reprimand or disciplinary action.

(3) 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.

(4) 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 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 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.

(5) 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.

(6) 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. This act takes effect upon approval by the Governor.

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