**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3881**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: LC-0053HA23.docx

Introduced in the House on February 7, 2023

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

Summary: Civil and Criminal Courts of Appeals Panels

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/7/2023 House Introduced and read first time (House Journal‑page 18)

 2/7/2023 House Referred to Committee on **Judiciary** (House Journal‑page 18)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3881&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3881_20230207.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-8-10, RELATING TO THE COURT OF APPEALS, SO AS TO INCREASE THE NUMBER OF JUDGES FROM NINE TO FIFTEEN; BY AMENDING SECTION 14-8-20, RELATING TO THE TERMS OF OFFICE FOR JUDGES ON THE COURT OF APPEALS, SO AS TO ESTABLISH STAGGERED TERMS; BY AMENDING SECTION 14-8-80, RELATING TO THE COURT SITTING IN PANELS OR AS A WHOLE, AND THE ASSIGNMENT OF MEMBERS TO PANELS BY THE CHIEF JUDGE, AND THE DISTRIBUTION OF CASES BETWEEN THE PANELS, so as TO PROVIDE THAT THE CHIEF JUDGE ESTABLISH TWO PANELS TO PRESIDE OVER CRIMINAL MATTERS, TWO PANELS TO PRESIDE OVER CIVIL MATTERS, AND a FIFTH PANEL TO MAINTAIN APPROXIMATELY EQUAL CASELOADS BETWEEN THE PANELS; AND BY AMENDING SECTION 14-8-90, RELATING TO WHEN THE COURT MAY SIT EN BANC, SO AS TO INCREASE THE NUMBER OF JUDGES FOR A PETITION OR MOTION FOR THE COURT TO SIT EN BANC FROM SIX TO TEN, AND TO PROVIDE THAT TEN JUSTICES CONSTITUTE A QUORUM.

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

SECTION 1. Section 14-8-10 of the S.C. Code is amended to read:

 Section 14-8-10. There is hereby created the Court of Appeals (the Court), which shall be a part of the unified judicial system. The Court shall consist of a Chief Judge and eight fourteen associate judges.

SECTION 2. Section 14-8-20 of the S.C. Code is amended to read:

 Section 14-8-20. (a) The members of the Court shall be elected by joint public vote of the General Assembly for a term of six years and until their successors are elected and qualify;. provided, however, that However of those judges initially elected to begin the term of office on July 1, 1985, the Chief Judge (Seat 5) and the judge elected to Seat 6 shall be elected for terms of six years each, the judges elected to Seats 3 and 4 shall be elected for terms of four years each, and the judges elected to Seats 1 and 2 shall be elected for terms of two years each. The terms of office of the judges of the Court shall begin on July 1, 1985. For the judges initially elected to begin the term of office for Seats 10 through 15 on July 1, 2024, the judges elected to Seats 10 and 11 shall be elected for terms of two years each, the judges elected to Seats 12 and 13 shall be elected for terms of four years each, and the judges elected to Seats 14 and 15 shall be elected for terms of six years each. Prior to such date, the General Assembly shall have authority to take such measures as necessary to secure accommodations, personnel, supplies, and equipment and such other matters as may be necessary to effect full implementation of the Court for operation by such date.

 (b) Each seat on the Court shall be numbered. Candidates shall be required to file for a specific seat. Seat five shall be designated as the office of Chief Judge and shall be a separate and distinct office for the purpose of an election.

 (c) In any contested election, the vote of each member of the General Assembly present and voting shall be recorded; provided, that the provisions of Chapter 19, of Title 2 shall be followed in the course of electing the members of the Court.

SECTION 3. Section 14-8-80 of the S.C. Code is amended to read:

 Section 14-8-80. (a) The Court shall sit in three five panels of three judges each. However, nothing in this section may be construed to prevent the Court from sitting as a whole.

 (b) The Chief Judge is responsible for the administration of the Court, subject to the provisions of Article V, Section 4 of the Constitution of this State. The Chief Judge shall assign the members of the panels and shall systematically rotate and interchange the members of the panels in accordance with rules promulgated by the Supreme Court. The Chief Judge shall preside over the panel of which he is a member and in his absence the judge senior in service and present shall preside. The judge senior in service and present on the other panel shall preside over the other panel. For the five associate judges whose terms begin on July 1, 1985, the determination of their length of service shall be based on their order of election, with the associate judge who is elected first being the associate judge senior in service; provided, however, that seniority among the judges on an interim Court of Appeals shall continue on the permanent Court of Appeals established by the provisions of this chapter and service on that Court shall be included in determining the length of service on the Court herein established.

 (c) Cases must be distributed between the three panels by the Chief Judge in accordance with rules promulgated by the Supreme Court; however, the Chief Judge may transfer cases from one panel to the other in order to maintain approximately equal caseloads for the three panels must establish two panels to preside over criminal matters and two panels to preside over civil matters. The Chief Judge may utilize the fifth panel to maintain approximately equal caseloads between the panels that preside over the criminal matters and panels that preside over civil matters.

 (d) On a panel, three judges shall constitute a quorum, and the concurrence of a majority of the judges is necessary for the reversal of the judgment below.

SECTION 4. Section 14-8-90 of the S.C. Code is amended to read:

 Section 14-8-90. (a) The Court may sit en banc to hear cases upon:

 (1) petition by a party filed in accordance with rules promulgated by the Supreme Court if the petition is granted by six ten judges of the Court; or

 (2) its own motion agreed to by six ten judges of the Court.

 (b) When the Court sits en banc, six ten of the judges constitute a quorum and a concurrence of six ten of the judges is necessary for a reversal of the judgment below. The Chief Judge shall preside, and in his absence the judge senior in service and present shall preside.

SECTION 5. This act takes effect on July 1, 2024.

‑‑‑‑XX‑‑‑‑