**South Carolina General Assembly**

118th Session, 2009-2010

**S. 309**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Thomas and Anderson

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Introduced in the Senate on January 27, 2009

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-27-09.docx)‑15

1/27/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-27-09.docx)‑15

2/2/2009 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin, Mulvaney

**VERSIONS OF THIS BILL**

[1/27/2009](file:///p:\pprever\2009-10\309_20090127.docx)

**A** **BILL**

TO AMEND SECTION 22‑1‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERMS OF MAGISTRATES, SO AS TO PROVIDE A MAGISTRATE’S OFFICE BECOMES VACANT ON THE DATE AND TIME HIS TERM EXPIRES, AND A MAGISTRATE WHOSE TERM EXPIRES MAY NOT CONTINUE TO HOLD OVER THE OFFICE IN A DE FACTO CAPACITY PENDING APPOINTMENT AND QUALIFICATION OF HIS SUCCESSOR OR HIS REAPPOINTMENT TO ANOTHER TERM.

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 appoint magistrates in each county of the State for a term of four years ~~and until their successors are appointed and qualified~~. A magistrate’s office becomes vacant on the date and time his term expires. A magistrate whose term expires may not continue to hold over the office in a de facto capacity pending appointment and qualification of his successor or his reappointment to another term.

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~~ after that, 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.

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. This act takes effect six months after approval by the Governor.

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