**South Carolina General Assembly**

118th Session, 2009-2010

**S. 447**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Introduced in the Senate on February 18, 2009

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

Summary: Judicial Oversight Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/18/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-18-09.docx)‑7

2/18/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\02-18-09.docx)‑7

**VERSIONS OF THIS BILL**

[2/18/2009](file:///p:\pprever\2009-10\447_20090218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑5‑100 SO AS TO CREATE THE COMMISSION ON JUDICIAL OVERSIGHT; TO PROVIDE FOR THE PURPOSE, COMPOSITION, AND TERMS OF THE COMMISSION; TO PROVIDE FOR THE FILLING OF A VACANCY; AND TO PROVIDE A PROCEDURE FOR THE COMMISSION TO ADOPT RULES AND REGULATIONS IN ORDER TO ACCOMPLISH ITS MISSION.

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

SECTION 1. Article 1, Chapter 5, Title 40 of the 1976 Code is amended by adding:

“Section 40‑5‑100. (A) As used in this article, ‘commission’ means the Commission on Judicial Oversight of the State of South Carolina.

(B) Notwithstanding the provisions of this chapter, there is created the Commission on Judicial Oversight for the purpose of informing the General Assembly and the Supreme Court of complaints involving members of the judiciary. The commission shall work with the Commission on Judicial Conduct to ensure that the General Assembly and the Supreme Court are notified in a timely fashion of all complaints against members of the judiciary.

(C) The commission is composed of nine members as follows:

(1) three members of the judiciary appointed by the Chief Justice of the Supreme Court;

(2) three members appointed by the Speaker of the House of Representatives; and

(3) three members appointed by the President Pro Tempore of the Senate.

(D) Of the three members appointed by the Speaker of the House of Representatives, two must be attorneys and one must be a lay person.

(E) Of the three members appointed by the President Pro Tempore of the Senate, two must be attorneys and one must be a lay person.

(F) A member of the commission must reside in this State. An attorney member of the commission must be licensed in good standing by the South Carolina Bar, must be without prior disciplinary action or conviction of a felony or other crime of moral turpitude, and must be currently practicing law in this State. A lay member of the commission must hold a baccalaureate degree or higher from an accredited institution of higher learning, must not have been convicted of a felony or a crime of moral turpitude, and must not be employed or have a member of his immediate family employed in a law firm, legal department, or the judiciary.

(G) A member of the commission shall serve a term of four years or until his successor is appointed and qualified. A member of the commission may serve no more than three consecutive terms.

(H) A member of the commission has full voting rights.

(I) A vacancy must be filled in the same manner of the original appointment for the unexpired portion of the term.

(J) A commission member or person authorized by the commission to engage in business for the commission may be compensated for his services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions. A commission member or person authorized by the commission to engage in business for the commission may be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members or persons acting on behalf of the commission.

(K) The commission annually shall elect from among its members a chairman, vice chairman, secretary, and other officers as the commission determines necessary. The commission may adopt rules and regulations reasonably necessary for the performance of its duties and the governance of its operations and proceedings.

(L) The commission shall meet at least four times a year and at other times upon the call of the chair or a majority of the commission.

(M) A majority of the members of the commission constitutes a quorum; however, if there is a vacancy on the commission, a majority of the members serving constitutes a quorum.”

SECTION 2. This act takes effect upon ratification of the constitutional amendment providing that the jurisdiction over the admission to practice law and discipline of persons admitted must not be under the Supreme Court but must be as provided by the General Assembly by law.

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