**South Carolina General Assembly**

118th Session, 2009-2010

**S. 564**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Elliott

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Introduced in the Senate on March 11, 2009

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

Summary: Probate judges

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/11/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\03-11-09.docx)‑5

3/11/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\03-11-09.docx)‑5

**VERSIONS OF THIS BILL**

[3/11/2009](file:///p:\pprever\2009-10\564_20090311.docx)

**A** **BILL**

TO AMEND SECTION 14‑23‑1040, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS FOR THE OFFICE OF JUDGE OF PROBATE, SO AS TO PROVIDE A PERSON CONVICTED OF A FELONY OFFENSE OR AN OFFENSE INVOLVING MORAL TURPITUDE IS NOT QUALIFIED TO SERVE AS A JUDGE OF PROBATE.

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

SECTION 1. Section 14‑23‑1040 of the 1976 Code, as last amended by Act 678 of 1988, is further amended to read:

“Section 14‑23‑1040. (A) ~~No~~A person is not eligible to hold the office of judge of probate ~~who is not~~unless at the time of his election he:

(1) is a citizen of the United States and of this State~~,~~;

(2) ~~has not attained the age of twenty‑one years upon his election,~~is twenty‑one years of age;

(3) ~~has not become~~is a qualified elector of the county ~~in which~~where he is to be a judge~~,~~; ~~and~~

(4) has ~~not~~ received a four‑year bachelor’s degree from an accredited post‑secondary institution or, if he has received no degree, he must have four years’ experience as an employee in a probate judge’s office in this State; and

(5) has not been convicted of a felony or offense involving moral turpitude in any jurisdiction.

(B) The provisions of this section do not apply to a person holding the office of probate judge on July 1, 2009, during his tenure in office. Tenure in office continues at the expiration of a term if the person is reelected to a consecutive term. However, if a person qualified for the office of probate judge pursuant to the provisions of this section has a break in service for a term or a portion of a term before reelection to another term as probate judge, he must satisfy the applicable requirements of this section at the time of filing for reelection for a subsequent term.”

SECTION 2. Upon approval by the Governor, this act takes effect July 1, 2009.

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