**South Carolina General Assembly**

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**S. 64**

**STATUS INFORMATION**

General Bill

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Introduced in the Senate on January 13, 2009

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

Summary: Family Court judges

**HISTORY OF LEGISLATIVE ACTIONS**

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12/10/2008 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\64_20081210.docx)

**A** **BILL**

TO AMEND SECTION 63‑3‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS AND TERMS OF FAMILY COURT JUDGES, SO AS TO PROVIDE THAT FAMILY COURT JUDGES SHALL BE POPULARLY ELECTED FROM STATE SENATORIAL DISTRICTS BY THE QUALIFIED VOTERS OF EACH DISTRICT, AND TO PROVIDE THAT JUDICIAL SCREENING PROCEDURES IN CHAPTER 19, TITLE 2 DO NOT APPLY TO THESE POPULARLY ELECTED JUDGES; AND TO REPEAL SECTION 63‑3‑40 RELATING TO THE NUMBER OF FAMILY COURT JUDGES ASSIGNED TO EACH JUDICIAL CIRCUIT.

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

SECTION 1. Section 63-3-30 of the 1976 Code, as last amended by Act 361 of 2008, is further amended to read:

“Section 63‑3‑30. (A)(1) No person ~~shall be~~ is eligible ~~to~~ for the office of family court judge who is not at the time of his assuming the duties of ~~such~~ that office a citizen of the United States and of this State, ~~and~~ has not attained the age of thirty‑two years, has not been a licensed attorney at law for at least eight years, ~~and~~ has not been a resident of this State for five years next preceding his election, and is not a resident of the ~~circuit~~ district wherein the family court of which he is a judge is located. Notwithstanding any other provision of law, any former member of the General Assembly may be elected to the office of family court judge.

(2) Any family court judge serving in office on the effective date of the provisions of this section requiring a family court judge to be at least thirty‑two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney at law for purposes of future re‑elections to the office of family court judge.

(B) ~~Family court judges must be elected by the General Assembly for terms of six years and until their successors are elected and qualify.~~ Family court judges must be elected from judicial election districts, which must be the same as the districts from which state senators are elected. One judge must be elected from each judicial election district by popular vote of the qualified elector of the district. Election for family court judges must be on a nonpartisan basis and conducted at the same time as the general election. Persons seeking election to a particular office shall file statements of their candidacy with the county election commissions of the district where they reside. Results of the elections must be determined by the nonpartisan plurality method provided in Section 5‑15‑61. Persons elected as family court judges shall take office on the first day of January following their election. The Chief Justice of the Supreme Court shall assign family court judges to the judicial circuits and shall make reasonable efforts to assign judges to circuits according to geographical location.

(C) Each family court judge shall hold office for a term of six years and until his successor is elected and qualifies, and at the time of his election he must be an elector of a county within his district and during his continuance in office, he shall reside in a county within his district. The terms of all family court judges expire on the ~~thirtieth day of June~~ thirty‑first day of December of the year in which their terms are scheduled to expire.

(D) ~~For the purpose of electing family court judges, if more than one judge is to be elected from a circuit, each judgeship in that circuit shall be serially numbered beginning with the number (1) and the General Assembly shall elect a judge for each such judgeship. Any candidate for the office of family court judge in a circuit shall specifically file and run for a serially‑numbered judgeship in that circuit.~~

~~(E)~~ When a vacancy occurs for an unexpired term in an office of family court judge, the Governor, upon recommendation of the Chief Justice, shall commission a temporary family court judge to fill ~~such~~ the vacancy until such time as ~~the General Assembly shall~~ a special election is held to elect a successor who shall serve for the remainder of the unexpired term. ~~Such~~ The temporary family court judge shall receive as compensation for his services the salary paid to a regular family court judge and in addition thereto shall also receive the subsistence and mileage as authorized by law for family court judges.

(E) The terms of all persons serving as family court judges whose terms expire in 2009 or 2010 are extended to December 31, 2010. The terms of all persons serving as family court judges whose terms expire in 2011 or 2012 are extended to December 31, 2012. The elections for family court judges as provided in this section shall begin in the year 2010 and continue every two years thereafter. A vacancy occurring prior to January 1, 2011, must be filled in the manner provided by law as of that date.”

SECTION 2. Section 63-3-40 of the 1976 Code is repealed.

SECTION 3. The provisions of Chapter 19, Title 2 of the 1976 Code do not apply to family court judges elected in the manner provided in this act.

SECTION 4. This act takes effect upon approval by the Governor.

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