**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3056**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and M.S. McLeod

Document Path: l:\council\bills\ms\7026ahb13.docx

Companion/Similar bill(s): 3156

Introduced in the House on January 8, 2013

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

Summary: Magistrate Court candidates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 70](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 70](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/10/2013 House Member(s) request name added as sponsor: M.S.McLeod

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3056_20121211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑19‑115 SO AS TO REQUIRE CANDIDATES FOR MAGISTRATES COURT TO BE SCREENED BY THE JUDICIAL MERIT SELECTION COMMISSION BEFORE THEY MAY BE APPOINTED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE.

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

SECTION 1. Chapter 19, Title 2 of the 1976 Code is amended by adding:

“Section 2‑19‑115. (A) Upon a vacancy in the office of magistrate in each county of the State, candidates for this office shall submit an application to the Judicial Merit Selection Commission and be screened in the same manner and in accordance with the provisions of this chapter. Upon completion of the commission’s reports and recommendations, the commission shall submit these reports and recommendations on magistrate candidates to the appropriate Senate delegation. The Senate delegation then shall submit the name of the magistrate candidate of choice for appointment by the Governor, by and with the advice and consent of the Senate, pursuant to the provisions of Section 22‑1‑10. A person found not qualified by the commission may not be submitted to the Governor for appointment.

(B) For purposes of this section, a vacancy occurs in the office of magistrate in a county when any of the following occurs, a:

(1) magistrate’s term expires;

(2) new magistrate’s office is created; or

(3) magistrate is no longer able to serve due to resignation, retirement, disciplinary action, disability, or death.

(C) The commission may begin the screening process of a magistrate before the actual date of a vacancy in the case of an expiration of a term, resignation, or retirement when written notice is received by the commission.”

SECTION 2. This act takes effect upon approval by the Governor.

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