~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 20, 2013

**S. 405**

Introduced by Senator L. Martin

S. Printed 3/20/13--S.

Read the first time February 20, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 405) to amend Section 1‑23‑560, as amended, Code of Laws of South Carolina, 1976, relating to the application of the Code of Judicial Conduct to administrative, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking line 38, in Section 1-23-560, as contained in SECTION 1, and inserting therein the following:

/ ~~Section 8‑13‑320.~~ The Commission on Judicial Conduct, under the authority of the Supreme Court, shall handle /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department

The department indicates that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at its current level of funding.

The Administrative Law Court

The court indicates that this bill will have no fiscal impact on the General Fund of the State, nor on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 1‑23‑560, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE CODE OF JUDICIAL CONDUCT TO ADMINISTRATIVE LAW JUDGES AND THE ENFORCEMENT AND ADMINISTRATION OF THESE RULES BY THE STATE ETHICS COMMISSION, SO AS TO PROVIDE INSTEAD THAT THE JUDICIAL DEPARTMENT SHALL HANDLE COMPLAINTS AGAINST ADMINISTRATIVE LAW JUDGES FOR POSSIBLE VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT IN THE SAME MANNER AS COMPLAINTS AGAINST OTHER JUDGES.

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

SECTION 1. Section 1‑23‑560 of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

“Section 1‑23‑560. Administrative law judges are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The sole grounds for discipline and sanctions for administrative law judges are those contained in the Code of Judicial Conduct in Rule 502, Rule 7 of the South Carolina Appellate Court Rules. ~~The State Ethics Commission, which is responsible for enforcement and administration of those rules shall use the procedure contained in Section 8‑13‑320.~~ The Judicial Department shall handle complaints against administrative law judges for possible violations of the Code of Judicial Conduct in the same manner as complaints against other judges. Notwithstanding another provision of law, an administrative law judge and the judge’s spouse or guest may accept an invitation to attend a judicial‑related or bar‑related function, or an activity devoted to the improvement of the law, legal system, or the administration of justice.”

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

‑‑‑‑XX‑‑‑‑