**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4494**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Companion/Similar bill(s): 4665

Introduced in the House on January 12, 2016

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

Summary: Appointment of magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 82](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 82](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4494&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4494_20151203.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑19‑115 SO AS TO REQUIRE A MAGISTRATE TO BE SCREENED BY THE JUDICIAL MERIT SELECTION COMMISSION BEFORE HE MAY BE REAPPOINTED BY THE GOVERNOR, BY AND WITH THE CONSENT OF THE SENATE, IF THE MAGISTRATE HAS A PENDING COMPLAINT OR A COMPLAINT AGAINST THE MAGISTRATE WAS FILED WITHIN THE MAGISTRATE’S CURRENT TERM OF OFFICE AND THE COMPLAINT RESULTED IN A DISCIPLINARY ORDER; AND BY ADDING SECTION 2-19-118 SO AS TO REQUIRE A MUNICIPAL JUDGE TO BE SCREENED BY THE JUDICIAL MERIT SELECTION COMMISSION BEFORE HE MAY BE REAPPOINTED BY THE APPROPRIATE COUNCIL OF THE MUNICIPALITY IF HE HAS A PENDING COMPLAINT OR A COMPLAINT AGAINST HIM WAS FILED WITHIN HIS CURRENT TERM OF OFFICE AND THE COMPLAINT RESULTED IN A DISCIPLINARY ORDER.

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. Upon reappointment in the office of magistrate in each county of the State, a magistrate 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 if he is seeking reappointment and a complaint was filed against the magistrate with the Commission on Judicial Conduct during the magistrate’s current term of office which resulted in a disciplinary order or if the magistrate has a pending complaint with the commission. Upon completion of the commission’s report and recommendations, the commission shall submit the report and recommendations on the magistrate to the appropriate Senate delegation. The Senate delegation then shall submit the name of the magistrate 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.”

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

“Section 2-19-118. Upon reappointment as a municipal judge pursuant to the provisions of Article 1, Chapter 25, Title 14, a municipal judge 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 if he is seeking reappointment and a complaint was filed against the municipal judge with the Commission on Judicial Conduct during the municipal judge’s current term of office which resulted in a disciplinary order or if the municipal judge has a pending complaint with the commission. Upon completion of the commission’s report and recommendations, the commission shall submit the report and recommendations on the municipal judge to the appropriate council of the municipality. A person found not qualified by the commission may not be reappointed by the council of the municipality with appointment authority over the municipal judge.”

SECTION 3. This act takes effect upon approval by the Governor.

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