COMMITTEE REPORT

March 7, 2018

**H. 4811**

Introduced by Reps. S. Rivers, G.M. Smith, Elliott, Davis, Stavrinakis, Murphy, Jordan, Caskey, Fry, W. Newton, Bannister, Clemmons, Cole and Lowe

S. Printed 3/7/18--H.

Read the first time January 31, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4811) to amend Section 22‑1‑10, as amended, Code of Laws of South Carolina, 1976, relating to the appointment of magistrates, so as to require that, 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, by striking SECTION 1 and inserting:

/ SECTION 1. Section 22‑1‑10(B)(2) of the 1976 Code is amended by adding a subitem to read:

“( ) On and after July 1, 2019, no person is eligible for an initial appointment to hold the office of magistrate who is not at the time of his appointment: (i) a citizen of the United States and of this State, (ii) has not been a resident of this State for at least five years, (iii) has not attained the age of twenty‑one years upon his appointment, and (iv) is not a licensed attorney in South Carolina. However, a county with a population of less than seventy‑five thousand is exempt from the provisions of (iv) and the magistrate must have received a four‑year baccalaureate degree.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

F. GREGORY DELLENEY, JR. JOHN RICHARD C. KING

For Majority. For Minority.

**A** **BILL**

TO AMEND SECTION 22‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF MAGISTRATES, SO AS TO REQUIRE THAT A MAGISTRATE MUST BE A LICENSED ATTORNEY AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 22‑1‑10(B)(2) of the 1976 Code is amended by adding a subitem to read:

“( ) On and after July 1, 2018, no person is eligible for an initial appointment to hold the office of magistrate who: (i) is not at the time of his appointment a citizen of the United States and of this State, (ii) has not been a resident of this State for at least five years, (iii) has not attained the age of twenty‑one years upon his appointment, and (iv) is not a licensed attorney. However, a county with a population of less than seventy-five thousand is exempt from the provisions of (iv) and the magistrate must have received a four‑year baccalaureate degree.”

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

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