~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2021

**H. 3696**

Introduced by Reps. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen

S. Printed 5/5/21--S.

Read the first time February 25, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3696) to amend Section 14‑5‑610, Code of Laws of South Carolina, 1976, relating to the division of the state into sixteen judicial circuits, so as to, 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 lines 28 through 33, in Section 14-5-610(B), as contained in SECTION 1, and inserting the following:

/ “(B) One judge must be elected from the ~~second,~~ sixth, and twelfth circuits. Two judges must be elected from the first, second, third, fourth, seventh, eighth, tenth, eleventh, ~~fourteenth, fifteenth,~~ and sixteenth circuits. Three judges must be elected from the fifth, ~~and ninth~~ fourteenth, and fifteenth circuits. Four judges must be elected from the ninth and thirteenth circuits.” /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill increases the number of circuit court judges and family court judges elected in South Carolina. Currently, there are a total of thirty-three circuit court judges and fifty-two family court judges elected from the state’s existing sixteen judicial circuits. The bill would expand the number of circuit court judges by three to thirty-six by requiring one additional circuit court judge to be elected from the ninth (increasing from three to four), fourteenth (increasing from two to three), and fifteenth (increasing from two to three) judicial circuits. The bill would also expand the number of family court judges by two to fifty-four by requiring one additional family court judge to be elected from the first (increasing from three to four) and the sixteenth (increasing from two to three) judicial circuits.

**Judicial Department.** This bill, which increases both the number of circuit court and family court judges elected from the state’s sixteen judicial circuits, would expand personnel and operating needs in the first, ninth, fourteenth, fifteenth, and sixteenth circuits. This would require the department to hire, in addition to the five new judges, three law clerks, five administrative assistants, and five court reporters, for a total of eighteen new FTEs. In addition, the department would need funding to cover expanded operating expenses. The department anticipates these needs will result in a recurring general fund expenditure impact of $2,491,339 $2,627,339 to cover the new positions and $136,000 to cover operating expenses. Additionally, the agency will incur a non-recurring general fund expenditure impact of $101,000 to cover one-time expenses for furniture, equipment, and automation. Therefore, the overall general fund expenditure impact of the bill would be $2,728,339 for the first year of implementation and $2,627,339 in the years thereafter.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 14‑5‑610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63‑3‑40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

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

SECTION 1. Section 14‑5‑610(B) of the 1976 Code is amended to read:

“(B) One judge must be elected from the second, sixth, and twelfth circuits. Two judges must be elected from the first, third, fourth, seventh, eighth, tenth, eleventh, ~~fourteenth, fifteenth,~~ and sixteenth circuits. Three judges must be elected from the fifth, ~~and ninth~~ fourteenth, and fifteenth circuits. Four judges must be elected from the ninth and thirteenth circuit.”

SECTION 2. Section 63‑3‑40(A) of the 1976 Code is amended to read:

“(A) The General Assembly shall elect a number of family court judges from each judicial circuit as follows:

First Circuit ~~Three~~ Four Judges

Second Circuit Two Judges

Third Circuit Three Judges

Fourth Circuit Three Judges

Fifth Circuit Four Judges

Sixth Circuit Two Judges

Seventh Circuit Three Judges

Eighth Circuit Three Judges

Ninth Circuit Six Judges

Tenth Circuit Three Judges

Eleventh Circuit Three Judges

Twelfth Circuit Three Judges

Thirteenth Circuit Six Judges

Fourteenth Circuit Three Judges

Fifteenth Circuit Three Judges

Sixteenth Circuit ~~Two~~ Three Judges.”

SECTION 3. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the judicial offices authorized by the provisions of SECTIONS 1 and 2. The General Assembly then shall elect these judges from the nominees of the commission; except that, the nominating process may not begin until funding for the additional judges is provided in the general appropriations act.

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

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