**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4300**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bannister, Jordan, W. Newton, Yow, Mitchell and Luck

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Introduced in the House on April 3, 2025

Currently residing in the House

Summary: Retirement System for Judges and Solicitors

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/3/2025 House Introduced and read first time (House Journal‑page 20)

 4/3/2025 House Referred to Committee on **Judiciary** (House Journal‑page 20)

 4/8/2025 House Member(s) request name added as sponsor: Yow, Mitchell

 4/10/2025 House Member(s) request name added as sponsor: Luck

 4/30/2025 House Committee report: Favorable **Judiciary**

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**VERSIONS OF THIS BILL**

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4300_20250403.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9‑8‑50, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO PROVIDE THAT JUDGES ARE VESTED IN THE SYSTEM AFTER ATTAINING EIGHT YEARS OF EARNED SERVICE; AND BY AMENDING SECTION 9‑8‑60, RELATING TO THE RETIREMENT SYSTEM FOR JUDGES’ AND SOLICITORS’ ALLOWANCES, SO AS TO CHANGE THE RETIREMENT AGE OF JUDGES FROM SEVENTY‑TWO TO SEVENTY‑FOUR.

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

SECTION 1. Section 9‑8‑50(E) of the S.C. Code is amended to read:

 (E)(1) A judge is vested in the system after attaining ten eight years of earned service in the position of judge, a solicitor is vested in the system after attaining eight years of earned service as a solicitor, and a circuit public defender is vested in the system after attaining eight years of earned service as a circuit public defender.

 (2) If a vested member who began service as a judge or solicitor before July 1, 2004, has terminated service and left contributions on deposit with the system, the member is eligible for a monthly benefit beginning at age fifty‑five. The member’s benefit under this section is calculated by multiplying the member’s monthly benefit determined in accordance with Section 9‑8‑60 or 9‑8‑70, by a fraction in which the member’s total credited service in the system is the numerator and twenty‑four is the denominator. The monthly benefit under this section may not exceed the member’s benefit as calculated pursuant to Section 9‑8‑60 or 9‑8‑70.

 (3) If a vested member who began service as a judge, solicitor, or circuit public defender after June 30, 2004, has terminated service and left contributions on deposit with the system, the member is eligible for a monthly benefit beginning at age sixty‑five. The member’s benefit under this section is calculated by multiplying the member’s monthly benefit determined in accordance with Section 9‑8‑60 or 9‑8‑70, by a fraction in which the member’s total credited service in the system is the numerator and twenty‑four is the denominator. The monthly benefit under this section may not exceed the member'’s benefit as calculated pursuant to Section 9‑8‑60 or 9‑8‑70.

SECTION 2. Section 9‑8‑60 (1) and (7) of the S.C. Code is amended to read:

 (1) A member of the system may retire upon written application to the board setting forth at what time, not later than the end of the calendar year in which the member attains age seventy‑two seventy‑four and not more than ninety days prior nor more than six months subsequent to the execution and filing thereof, the member desires to be retired, if the member at the time so specified for retirement is no longer in the service of the State, except as a member of the General Assembly or as allowed pursuant to subsection (7), and has completed ten eight years of earned service as a judge or eight years of earned service as a solicitor or circuit public defender or was in service as a judge or solicitor on July 1, 1984, and has either:

 (a) attained the age of sixty‑five and completed at least twenty years of credited service;

 (b) attained age seventy and completed at least fifteen years of credited service; or

 (c) completed at least twenty‑five years of credited service in the system for a judge, or twenty‑four years of credited service in the system for a solicitor or circuit public defender, regardless of age. A member may retire under this section if the member was a member of this system as of June 30, 2004; attained age sixty‑five with at least four years’ earned service in the position of judge, solicitor, or circuit public defender; and, as of June 30, 2004, had a total of twenty‑five years of credited service with the State in the South Carolina Retirement System, the Police Officers Retirement System, or the Retirement System for Members of the General Assembly.

 A person receiving retirement allowances under this system who is elected to the General Assembly continues to receive the retirement allowances while serving in the General Assembly, and also must be a member of the retirement system unless the person files a statement with the board on a form prescribed by the board electing not to participate in the applicable system while a member of the General Assembly. A person making this election shall not make contributions to the applicable retirement system nor shall the State make contributions on the member’s behalf and the person is not entitled to benefits from the applicable retirement system after ceasing to be a member of the General Assembly.

 (7)(a) A member who has attained the age of sixty years and is eligible to retire and receive the maximum monthly benefit of one‑twelfth of ninety percent of the current active salary of a judge, solicitor, or circuit public defender as provided in subsection (5) may retire and receive a retirement benefit while continuing to serve as judge, solicitor, or circuit public defender until the end of the calendar year in which the member attains the age of seventy‑two seventy‑four years. The employee and employer contributions must continue to be paid as if the judge, solicitor, or circuit public defender continuing to serve pursuant to this subsection was an active contributing member, but no additional service credit accrues on account of these contributions. A judge, solicitor, or circuit public defender who retires pursuant to this subsection is not subject to the provisions of Section 9‑8‑120 unless he has vacated his office.

 (b) A member who has not yet reached the age of sixty years, but who is eligible to retire and receive the maximum monthly benefit of one‑twelfth of ninety percent of the current active salary of a judge, solicitor, or circuit public defender as provided in subsection (5) may retire and continue to serve as judge, solicitor, or circuit public defender until the end of the calendar year in which the member attains the age of seventy‑two seventy‑four years. While a member continues to serve as judge, solicitor, or circuit public defender pursuant to this subsection, the member’s normal monthly retirement benefit will be deferred and placed in the system’s trust fund on behalf of the member. Upon reaching the age of sixty years, the balance of the member’s deferred retirement benefit will be distributed to the member. No interest will be paid on the member’s deferred monthly retirement benefit placed in the system’s trust fund. The employee and employer contributions must continue to be paid as if the judge, solicitor, or circuit public defender continuing to serve pursuant to this subsection was an active contributing member, but no additional service credit accrues on account of these contributions. A judge, solicitor, or circuit public defender who retires pursuant to this subsection is not subject to the provisions of Section 9‑8‑120 unless he has vacated his office.

 (c) For a member retiring and continuing to serve as judge, solicitor, or circuit public defender pursuant to subsection (7)(b) the additional benefit provided for in subsection (6) will be deferred and placed in the system’s trust fund until the member reaches the age of sixty years. Upon reaching the age of sixty years, the additional benefit will be distributed, plus interest, to the member.

 (d) For all purposes other than employment, a member retiring and continuing to serve as judge, solicitor, or circuit public defender pursuant to either subsection (7)(a) or (7)(b) is a retired member of the system.

SECTION 3. Any judge who attains age seventy-two in 2025 and whose current seat has been screened and a successor elected, may elect to stay active and continue to accrue earned service in the Retirement System for Judges and Solicitors as long as he continues to serve as a judge in a full-time capacity, however once the judge reaches eight years of earned service in the system, he may not earn any further service credit.

SECTION 4. This act takes effect upon approval by the Governor and applies to members who have not attained age seventy‑four before January 1, 2026.

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