



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3530	Introduced on January 14, 2025
Subject:	Magistrates Reform Act	
Requestor:	House Judiciary	
RFA Analyst(s):	Tipton	
Impact Date:	January 26, 2026	

Fiscal Impact Summary

This bill makes several changes to the appointment process, requirements, and jurisdiction of magistrates in the state. The bill requires that the Senate must forward a magistrate candidate to the Judicial Merit Selection Commission (JMSC) for review. JMSC must conduct the same review as for other judicial candidates, and a report on the candidate's qualifications must be sent to the Senate and Governor prior to the Governor's appointment of the magistrate with the advice and consent of the Senate. Further, all magistrate appointees after July 1, 2025, must have a juris doctor degree and be a member in good standing with the South Carolina Bar. The bill increases magistrates' concurrent civil jurisdiction for certain actions from claims not exceeding \$7,500 to claims not exceeding \$25,000 and criminal jurisdiction from offenses with penalties not exceeding \$500 or imprisonment for no more than 30 days to \$25,000 or imprisonment for no more than 1 year.

This bill may impact the number of cases heard in circuit court and magistrate court due to the changes in the jurisdiction limits for magistrate court. There were 6,886 misdemeanors in FY 2024-25 disposed of in general sessions court, which would have been eligible for disposition in magistrates court under this bill. Certain civil cases may also shift from circuit court to magistrate court, but Judicial is unable to estimate the number of plaintiffs who filed civil cases in the court of common pleas that would now choose to file a civil case in magistrate court. Judicial anticipates increasing magistrate-level criminal jurisdiction could result in more appeals to the circuit court, thus increasing the caseload by an unknown amount. While the potential change in the number of cases is unknown, Judicial currently anticipates that the caseload can be managed within existing appropriations.

This bill will have no impact on the House of Representatives or the Senate, as both bodies indicate that JMSC review of prospective magistrates and any other requirements of the bill will be managed under normal operations.

This bill may impact court fine and fee revenue, depending on the number of cases that shift from circuit court to magistrate court and the potential increase in appeals from magistrate court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in a change to General Fund, Other Funds, and local revenue, depending upon the change in court fines and fees.

This bill is expected to increase local expenditures by an undetermined amount for county governments. Revenue and Fiscal Affairs (RFA) surveyed all counties in the state and received responses from Charleston, Horry, Cherokee, Lancaster, and Edgefield Counties stating that increased civil and criminal jurisdictions for magistrate court is expected to increase the court caseloads and, therefore, increase expenses for court operations. Horry County estimates additional expenditures of \$1,450,000 in FY 2026-27 and \$450,000 in each year thereafter, while Charleston, Cherokee, Lancaster, and Edgefield Counties report an undetermined increase in expenditures as a result of the bill depending on the increase in caseload.

Lancaster County notes that additional fine and fee revenue generated by the increased caseload would be used to offset the additional expenses but that the amount of this revenue is currently unknown and would depend on the number of additional cases heard in magistrates court under the expanded jurisdiction.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill makes several changes to the appointment process, requirements, and jurisdiction of magistrates in the state. Under the bill, the Senate is required to forward prospective magistrate candidates to the JMSC for review in the same manner as other judicial vacancies. A report by JMSC must then be submitted to the Senate and the Governor prior to the Governor's appointment. Currently, senatorial delegations determine the individuals to be recommended to the Governor for appointment pursuant to Section 22-2-10, or a nonpartisan preferential election is held pursuant to Section 22-2-15, both of which are repealed by the bill. This bill specifies that a magistrate may serve in a holdover capacity for no more than 14 days from the expiration of his term, and the Governor may make a temporary appointment if the Senate has not given advice and consent for a new appointment within this holdover timeframe. The bill adds the requirement that beginning July 1, 2025, a magistrate appointee must have received a juris doctor degree and be a member in good standing with the South Carolina Bar.

The bill increases the concurrent civil jurisdiction of magistrates from the current \$7,500 limit for civil claims to claims not to exceed \$25,000. The bill also increases the limits on criminal cases that magistrates may hear from the current fine or forfeiture limit of \$500 or imprisonment of no more than 30 days to up to \$25,000 or imprisonment not exceeding 1 year.

Judicial. The bill expands concurrent jurisdiction for magistrate court for certain civil actions and criminal actions. Judicial reports that from July 1, 2024, to June 30, 2025, there were 6,886 misdemeanors disposed of in general sessions court, which would have been eligible for disposition in magistrate court under this bill. However, Judicial states that increasing magistrate-level criminal jurisdiction could result in more cases appealed to the circuit court. Judicial is further unable to estimate the number of plaintiffs who filed civil cases in the court of common pleas that would now choose to file a civil case in magistrate court. Since jurisdiction remains concurrent, Judicial indicates that it is possible that litigants would choose to continue to pursue relief in the court of common pleas. For plaintiffs who file cases in magistrate courts, an

appeal would go to circuit court, thus further increasing the number of cases handled circuit court in its appellate capacity. While the potential change in the number of cases is unknown, Judicial currently anticipates that the caseload can be managed within existing appropriations.

House of Representatives and the Senate. The House of Representatives and the Senate indicate that the requirements of the bill, including JMSC review of prospective magistrate candidates, will be managed under normal operations for the legislative bodies. Therefore, this bill will have no impact on the House of Representatives or the Senate.

State Revenue

This bill may impact fine and fee revenue, depending on the number of cases that shift to magistrates court under the expanded civil and criminal jurisdiction. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in a change to General Fund and Other Funds revenue depending on the change in fines and fees collected.

Local Expenditure

This bill makes several changes to the appointment process, requirements, and jurisdiction of magistrates in the state. The bill increases concurrent civil jurisdiction for magistrate court from \$7,500 to 25,000 and provides jurisdiction for all criminal offenses with fine or forfeiture of no more than \$25,000 or imprisonment for no more than 1 year, an increase from current limits of \$500 or imprisonment for no more than 30 days.

RFA surveyed all counties in the state and received responses from Charleston, Horry, Cherokee, Lancaster, and Edgefield Counties on the potential fiscal impact of this bill. All responding counties indicate that the increased jurisdiction under the bill would increase the number of cases heard in magistrates court and likely require additional personnel and expanded court operations to handle the increased caseload. Horry County estimates that an additional magistrate office would need to be established, at an additional cost of \$1,450,000 in FY 2026-27 and \$450,000 in each year thereafter for three additional personnel. Charleston, Cherokee, Lancaster, and Edgefield Counties all expressed concerns regarding the impact that increasing the jurisdiction on caseloads as well as the impact that requiring magistrates to obtain a juris doctor degree would have on the county's ability to replace magistrates when vacancies arise due to the disparity in current magistrate compensation when compared to other judicial and legal roles that require a juris doctor degree. As a result, the responding counties indicate that compensation for magistrates would likely need to increase, further increasing the local expenditure impact of the bill.

Local Revenue

This bill may impact court fine and fee revenue, depending on the number of cases that shift from circuit court to magistrate court and the potential increase in the number of appeals in circuit court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in a change local revenue if there is a change to court fines and fees.



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