**South Carolina General Assembly**

125th Session, 2023-2024

**S. 878**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Harpootlian and Climer

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Introduced in the Senate on January 9, 2024

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

Summary: Magistrate Term of Office

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Judiciary**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 68)

 1/9/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 68)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/878_20231130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22‑1‑10(A), RELATING TO The APPOINTMENT AND TERM OF MAGISTRATES, SO AS TO PROVIDE THAT MAGISTRATES MAY NO LONGER SERVE IN HOLDOVER CAPACITY LONGER THAN NINETY DAYS.

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

SECTION 1. Section 22‑1‑10(A) of the S.C. Code is amended to read:

 (A)(1) The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years. A magistrate may continue to serve for no more than ninety days after the conclusion of his term. and until their successors are appointed and qualified, or their positions are terminated as Nothing in this item shall be construed to limit or abrogate the provisions provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40.

 Magistrates serving the counties of Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Cherokee, Chesterfield, Clarendon, Colleton, Dillon, Edgefield, Florence, Greenville, Hampton, Jasper, Lancaster, Lee, Marion, McCormick, Oconee, Pickens, Saluda, Sumter, and Williamsburg shall serve terms of four years commencing May 1, 1990. Magistrates serving the counties of Aiken, Anderson, Barnwell, Berkeley, Charleston, Chester, Darlington, Dorchester, Fairfield, Georgetown, Greenwood, Horry, Kershaw, Laurens, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Union, and York shall serve terms of four years commencing May 1, 1991.

 (2) At least ninety days before the date of the commencement of new magistrate terms in a county, the terms provided in the preceding paragraph and every four years thereafter, eachthe county governing body must inform, in writing, the Senators representing that county of the number of full‑time and part‑time magistrate positions available in the county, the number of work hours required by each position, the compensation for each position, and the area of the county to which each position is assigned. If the county governing body fails to inform, in writing, the Senators representing that county of the information as required in this section, then the compensation, hours, and location of the full‑time and part‑time magistrate positions available in the county remain as designated for the previous four years.

 (3) Each magistrate's number of work hours, compensation, and work location must remain the same throughout the term of office, except for a change (1) specifically allowed by statute or (2) authorized by the county governing body at least four years after the magistrate's most recent appointment and after a material change in conditions has occurred which warrants the change. Nothing provided in this section prohibits the raising of compensation or hours and compensation during a term of office. No magistrate may be paid for work not performed except for bona fide illness or as otherwise provided by law.

 (4) The number of magistrates to be appointed for each county and their territorial jurisdiction are as prescribed in this chapter by law before March 2, 1897, for trial justices in the respective counties of the State, except as otherwise provided in this section.

SECTION 2. Any magistrate serving in a holdover capacity on the effective date of this act has ninety days to be reappointed and confirmed by the Senate or their office will be vacated.

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

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