**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3163**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on January 13, 2009

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

Summary: Municipal court established

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑73

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑74

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3163_20081216.docx)

**A** **BILL**

TO AMEND SECTION 14‑25‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF MUNICIPAL COURTS BY ORDINANCE, SO AS TO REQUIRE THE COUNCIL OF EACH MUNICIPALITY TO ESTABLISH A MUNICIPAL COURT, EMPLOY ONE OR MORE FULL‑TIME MUNICIPAL JUDGES, AND MAINTAIN NORMAL BUSINESS HOURS; AND TO AMEND SECTION 14‑25‑25, RELATING TO THE ELIGIBILITY REQUIREMENTS OF MUNICIPAL JUDGES AND THE PROCEDURE FOR FILLING VACANCIES, SO AS TO REQUIRE A MUNICIPAL JUDGE TO BE A RESIDENT OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.

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

SECTION 1. Section 14‑25‑5 of the 1976 Code is amended to read:

“Section 14‑25‑5. ~~(a)~~(A) The council of each municipality in this State~~may~~, by ordinance, must establish a municipal court, which ~~shall be~~is a part of the unified judicial system of this State, for the trial and determination of all cases within its jurisdiction. The ordinance ~~shall~~must provide for the appointment of one or more full‑time ~~or part‑time~~judges, part‑time judges as deemed necessary, and the appointment of a clerk.

~~(b)~~(B) ~~Any~~A municipality establishing a municipal court pursuant to the provisions of this chapter shall provide facilities for the use of judicial officers in conducting trials and hearings and shall provide sufficient clerical and nonjudicial support personnel to assist the municipal judge who is required to maintain normal business hours.

~~(c)~~(C) ~~Any~~A municipality may prosecute any of its cases in ~~any~~ ~~magistrate~~a magistrates court in the county in which ~~such~~the municipality is ~~situate~~located upon approval by the governing body of the county.

(D) For purposes of this section, the term ‘normal business hours’ means Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. with the exception of state holidays recognized by law.”

SECTION 2. Section 14‑25‑25 of the 1976 Code is amended to read:

“Section 14‑25‑25. A municipal judge ~~shall not be~~is not required to be a resident of the municipality by whom he is employed but must be a resident of the county in which the municipality is located. A municipality may contract with any other municipality in the county or with the county governing body to employ the municipal judge of the other municipality or a magistrate to preside over its court. In case of a vacancy in the office of municipal judge, a successor ~~shall~~must be appointed in the manner of original appointment for the unexpired term. In case of the temporary absence, sickness, or disability of a municipal judge, the court ~~shall~~must be held by a judge of another municipality or by a practicing attorney or some other person who has received training or experience in municipal court procedure, who ~~shall be~~is designated by the mayor and must take the prescribed oath of office before entering upon his duties.”

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

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