**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3862**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Quinn, McCoy, Stavrinakis, Bingham, Newton, Bradley, Burns, Merrill, Atwater, Bannister, Bedingfield, Bernstein, Hamilton, Henderson, Herbkersman, Hixon, Huggins, Lowe, Putnam, Rutherford, G.M. Smith, G.R. Smith, J.E. Smith, Stringer, Toole, Hart and Delleney

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Introduced in the House on March 18, 2015

Introduced in the Senate on May 27, 2015

Last Amended on May 26, 2015

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

Summary: Judges

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/18/2015 House Introduced and read first time ([House Journal‑page 40](file:///h:\HJ%20Archive\2015\03-18-15.docx))

3/18/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 40](file:///h:\HJ%20Archive\2015\03-18-15.docx))

5/20/2015 House Committee report: Favorable with amendment **Judiciary**

5/21/2015 House Member(s) request name added as sponsor: Hart

5/21/2015 Scrivener's error corrected

5/26/2015 House Amended ([House Journal‑page 36](file:///h:\HJ%20Archive\2015\05-26-15.docx))

5/26/2015 House Read second time ([House Journal‑page 36](file:///h:\HJ%20Archive\2015\05-26-15.docx))

5/26/2015 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 37](file:///h:\HJ%20Archive\2015\05-26-15.docx))

5/27/2015 House Read third time and sent to Senate ([House Journal‑page 10](file:///h:\HJ%20Archive\2015\05-27-15.docx))

5/27/2015 Senate Introduced and read first time ([Senate Journal‑page 26](file:///h:\SJ%20Archive\2015\05-27-15.docx))

5/27/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 26](file:///h:\SJ%20Archive\2015\05-27-15.docx))

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**VERSIONS OF THIS BILL**

[3/18/2015](file:///p:\pprever\2015-16\3862_20150318.docx)

[5/20/2015](file:///p:\pprever\2015-16\3862_20150520.docx)

[5/21/2015](file:///p:\pprever\2015-16\3862_20150521.docx)

[5/26/2015](file:///p:\pprever\2015-16\3862_20150526.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2015

**H. 3862**

Introduced by Reps. Quinn, McCoy, Stavrinakis, Bingham, Newton, Bradley, Burns, Merrill, Atwater, Bannister, Bedingfield, Bernstein, Hamilton, Henderson, Herbkersman, Hixon, Huggins, Lowe, Putnam, Rutherford, G.M. Smith, G.R. Smith, J.E. Smith, Stringer, Toole, Delleney and Hart

S. Printed 5/26/15--H.

Read the first time March 18, 2015.

**A** **BILL**

TO AMEND SECTION 14‑1‑215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIRED JUDGES AND JUSTICES CONTINUING TO PRESIDE IN CERTAIN COURTS, SO AS TO REQUIRE THAT IN ADDITION TO CURRENT SCREENING REQUIREMENTS REGARDING RETIRED JUDGES AND JUSTICES PROVIDED BY CHAPTER 19, TITLE 2, RETIRED JUDGES AND JUSTICES ASSIGNED BY THE CHIEF JUSTICE TO PRESIDE OVER ANY PROCEEDING BEFORE A CIRCUIT OR FAMILY COURT OR TO ACT AS AN ASSOCIATE JUSTICE IN A PROCEEDING BEFORE THE SUPREME COURT OR COURT OF APPEALS ALSO MUST BE CONFIRMED EVERY TWO YEARS BY THE GENERAL ASSEMBLY IN JOINT SESSION BEGINNING JANUARY 1, 2016.

Amend Title To Conform

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

SECTION 1. Section 2-19-40 of the 1976 Code is amended to read:

“Section 2-19-40. Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held. This section does not apply to retired justices and judges.”

SECTION 2. Section 2-19-100 of the 1976 Code is amended to read:

“Section 2-19-100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the Judicial Merit Selection Commission under procedures it shall establish to review retired judges’ qualifications for continued judicial service ~~and~~, be found by the commission to be qualified to serve in these situations within ~~four~~ two years of the date of his appointment to serve~~, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired~~ and be elected by the General Assembly in joint session.”

SECTION 3. This act takes effect upon approval by the Governor and all retired judges and justices appointed by the Chief Justice to preside over any court in this State after January 1, 2016, must be elected by the General Assembly as provided in this act.

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