

Session 106 - (1985-1986)

H*2074 (Rat #0012, Act #0009 of 1985) General Bill, By J.H. Toal, J.F. Anderson, J.V. Gregory, Sheheen and Wilkins Similar (S 0080)

A Bill to ratify an amendment to Article V of the Constitution of South Carolina, 1895, relating to the Judicial Department so as to provide for the establishment of a Court of Appeals with such jurisdiction as the General Assembly shall prescribe; to provide that the Court of Appeals shall consist of a Chief Judge and at least five Associate Judges with the number to be determined by law; to provide that the Chief Judge shall preside and in his absence the Senior Associate Judge; to provide that the Court of Appeals shall sit in panels and, as provided by the General Assembly, may sit en banc; to provide that the members of the Court of Appeals shall be elected by a joint public vote of the General Assembly for a term of six years, except in the first election when staggered terms shall be provided for; to provide that in any contested election for a position on the Court of Appeals, the vote of each member of the General Assembly present and voting shall be recorded; to provide that the jurisdiction of the Court of Appeals shall be as the General Assembly shall provide; to provide that the Court of Appeals shall be bound by the decisions of the Supreme Court; to provide that the Judges of the Court of Appeals shall appoint a Clerk of Court for the Court of Appeals; to provide that the judges of the Court of Appeals shall receive compensation to be determined by law; to provide for the filling of vacancies on the Court of Appeals by election or, if the unexpired term does not exceed one year, by appointment of the Governor; to provide that the Judges of the Court of Appeals shall have the same power to issue prerogative writs at chambers as when in open court and such other powers at chambers as the General Assembly may provide; to provide that the decisions of the Court of Appeals shall be published as provided by the General Assembly; and to delete obsolete language which permits existing courts to be continued until Article V is implemented.

01/08/85 House Introduced, read first time, placed on calendar without reference HJ-165

01/09/85 House Read second time HJ-199

01/10/85 House Read third time and sent to Senate HJ-257

01/15/85 Senate Introduced and read first time SJ-127

01/15/85 Senate Referred to Committee on Judiciary SJ-128

01/16/85 Senate Committee report: Favorable Judiciary SJ-148

01/16/85 Senate Read second time SJ-150

01/17/85 Senate Read third time and enrolled SJ-176

02/26/85 Ratified R 12

02/26/85 No signature required

02/26/85 Act No. 9

03/19/85 Copies available