

## Session 119 - (2011-2012)

**S\*0030 (Rat #0104, Act #0070 of 2011) General Bill, By McConnell, Leventis and Ford**

**Similar (H 3606)**

**Summary:** Magistrates' powers and duties

AN ACT TO AMEND SECTION 22-5-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN HIS OFFICIAL CAPACITY, CERTAIN BUSINESSES SEEKING AN ARREST WARRANT FOR AN OFFENSE AGAINST THE BUSINESS, AND PERSONS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK OR OFFENSES INVOLVING CRIMINAL DOMESTIC VIOLENCE, HARASSMENT, OR ASSAULT AND BATTERY, TO PROVIDE THAT A COURTESY SUMMONS MUST BE ISSUED WHEN AN ARREST WARRANT IS SOUGHT BY ANY OTHER PERSON, AND TO PROVIDE THAT AN ARREST WARRANT MAY BE ISSUED WHEN A PERSON FAILS TO APPEAR BEFORE THE COURT PURSUANT TO A COURTESY SUMMONS; TO AMEND SECTION 22-1-10, RELATING TO THE APPOINTMENT OF MAGISTRATES, THEIR TERMS AND JURISDICTION, SO AS TO PROVIDE THAT THE GOVERNOR MAY APPOINT A MAGISTRATE TO A POSITION THAT BECOMES VACANT ONCE THE TERM OF A SITTING MAGISTRATE IS TERMINATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 22-1-30, RELATING TO THE SUSPENSION OR REMOVAL OF A MAGISTRATE, SO AS TO PROVIDE A PROCEDURE TO END A MAGISTRATE'S TERM OF OFFICE AND NOT ALLOW HIM TO CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS APPOINTED; AND TO AMEND SECTION 22-2-40, RELATING TO THE NUMBER AND LOCATION OF MAGISTRATES THAT MAY SERVE IN A COUNTY, SO AS TO PROVIDE AN ADDITIONAL PROVISION THAT WOULD ALLOW THE NUMBER AND LOCATION OF MAGISTRATES TO BE INCREASED OR DECREASED. - ratified title

12/01/10	Senate	Prefiled
12/01/10	Senate	Referred to Committee on Judiciary
01/11/11	Senate	Introduced and read first time (Senate Journal-page 20)
01/11/11	Senate	Referred to Committee on Judiciary (Senate Journal-page 20)
02/23/11	Senate	Referred to Subcommittee: Hutto (ch), Rose, Shoopman
03/30/11	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 27)
03/31/11	Senate	Committee Amendment Adopted (Senate Journal-page 24)
04/01/11		Scrivener's error corrected
04/05/11	Senate	Read second time (Senate Journal-page 26)
04/05/11	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 26)
04/06/11	Senate	Read third time and sent to House (Senate Journal-page 16)
04/06/11	House	Introduced and read first time (House Journal-page 73)
04/06/11	House	Referred to Committee on Judiciary (House Journal-page 73)
05/18/11	House	Committee report: Favorable with amendment Judiciary (House Journal-page 59)
05/24/11	House	Debate adjourned (House Journal-page 66)
05/24/11	House	Debate adjourned until Wednesday, May 25, 2011 (House Journal-page 106)
05/25/11	House	Amended (House Journal-page 19)
05/25/11	House	Read second time (House Journal-page 19)
05/25/11	House	Roll call Yeas-107 Nays-3 (House Journal-page 19)
05/26/11	House	Read third time and returned to Senate with amendments (House Journal-page 6)
06/01/11	Senate	House amendment amended (Senate Journal-page 169)
06/01/11	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 169)
06/01/11	Senate	Returned to House with amendments (Senate Journal-page 169)
06/02/11	House	Non-concurrence in Senate amendment (House Journal-page 89)
06/14/11	Senate	Senate insists upon amendment and conference committee appointed Hutto, Massey, and Shoopman (Senate Journal-page 24)
06/14/11	House	Conference committee appointed Reps. Bannister, Tallon and Rutherford (House Journal-page 655)
06/22/11	House	Conference report received and adopted (House Journal-page 317)
06/22/11	Senate	Conference report received and adopted (Senate Journal-page 15)
06/22/11	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 15)

06/22/11	House	Ordered enrolled for ratification (House Journal-page 321)
06/22/11		Ratified R 104
06/28/11		Signed By Governor
07/01/11		Effective date 06/28/11
07/06/11		Act No. 70