

## Session 113 - (1999-2000)

**H'3379 (Rat #0225, Act #0226 of 2000) General Bill, By Wilkins, Cotty, Allen, Allison, Altman, Bailey, Bales, Barrett, Battle, Bauer, Beck, G.A. Brown, H. Brown, T. Brown, Campsen, Carty, Cave, Cobb-Hunter, Davenport, Delleney, Easterday, Edge, Emory, Fleming, Harrell, Harrison, Harvin, Hayes, J. Hines, Inabinett, Klauber, Knotts, Lanford, Leach, Limehouse, Littlejohn, Lloyd, Lourie, Lucas, Mack, Martin, Mason, McCraw, McGee, McKay, M. McLeod, McMahand, Meacham, Miller, Moody-Lawrence, Ott, Phillips, Pinckney, Quinn, Rhoad, Rice, Rodgers, Sandifer, Sharpe, Simrill, F. Smith, J. Smith, R. Smith, Spearman, Stille, Stuart, Taylor, Tripp, Trotter, Walker, Webb, Whipper, Wilkes, Woodrum, Govan and Riser**

**Summary:** Magistrates Courts Reform Act of 2000, Police Officers' Retirement System, Courts, Magistrates, Acts By Popular Name

A BILL TO ENACT "THE MAGISTRATES COURT REFORM ACT OF 2000" BY AMENDING SECTION 8-21-1010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND COSTS TO BE COLLECTED BY MAGISTRATES, SO AS TO INCREASE THE FEE FOR CIVIL ACTIONS AND COMPLAINTS FROM TWENTY-FIVE TO FORTY-FIVE DOLLARS AND TO INCREASE THE FEE FOR PROCEEDINGS BY A LANDLORD AGAINST A TENANT FROM TEN TO TWENTY DOLLARS; BY ADDING SECTION 9-11-27, SO AS TO PROVIDE THAT A MAGISTRATE MAY PARTICIPATE IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM; BY AMENDING SECTION 22-1-10, AS AMENDED, RELATING TO APPOINTMENT OF MAGISTRATES, SO AS TO PROVIDE THAT ON OR AFTER JULY 1, 2001, A MAGISTRATE AT THE TIME OF HIS INITIAL APPOINTMENT MUST HAVE RECEIVED A TWO-YEAR ASSOCIATE DEGREE; AND THAT ON OR AFTER JULY 1, 2005, A MAGISTRATE AT THE TIME OF HIS INITIAL APPOINTMENT MUST HAVE RECEIVED A FOUR-YEAR BACCALAUREATE DEGREE; BY AMENDING SECTION 22-1-15, RELATING TO THE PERSONS PRESENTLY SERVING AS MAGISTRATES, SO AS TO PROVIDE THAT THE REQUIREMENTS OF A TWO-YEAR ASSOCIATE DEGREE AND FOUR YEAR BACCALAUREATE DEGREE DO NOT APPLY TO A MAGISTRATE SERVING ON THE EFFECTIVE DATES OF THE REVISED REQUIREMENTS DURING THE MAGISTRATE'S TENURE IN OFFICE; BY ADDING SECTION 22-1-16, SO AS TO REQUIRE THAT A MAGISTRATE COMPLETE CERTAIN TRIAL EXPERIENCES PRIOR TO TRYING CASES; BY ADDING SECTION 22-1-17, SO AS TO ESTABLISH A CONTINUING EDUCATION PROGRAM AVAILABLE TO MAGISTRATES WHO HAVE SUCCESSFULLY COMPLETED THE CERTIFICATION EXAMINATION; BY ADDING SECTION 22-1-19, SO AS TO ESTABLISH AN ADVISORY COUNCIL TO MAKE RECOMMENDATIONS TO THE SUPREME COURT REGARDING THE ELIGIBILITY EXAMINATION, CERTIFICATION EXAMINATION, AND CONTINUING EDUCATION REQUIREMENTS FOR MAGISTRATES; BY AMENDING SECTION 22-1-30, AS AMENDED, RELATING TO SUSPENSION OR REMOVAL OF MAGISTRATES, SO AS TO PROVIDE THAT A MAGISTRATE'S FAILURE TO COMPLY WITH RETIREMENT, TRAINING, OR EXAMINATION REQUIREMENTS MAY SUBJECT THE MAGISTRATE TO SUSPENSION OR REMOVAL BY ORDER OF THE SUPREME COURT; BY ADDING SECTION 22-2-5 SO AS TO ESTABLISH AN ELIGIBILITY EXAMINATION, THE RESULTS OF WHICH MUST BE USED BY THE SENATORIAL DELEGATION IN MAKING NOMINATION FOR MAGISTERIAL APPOINTMENTS; BY AMENDING SECTION 22-2-40, RELATING TO THE NUMBER AND LOCATION OF MAGISTRATES IN A COUNTY, SO AS TO PROVIDE THAT THE MEMBERS OF THE SENATE DELEGATION FOR A COUNTY AND THE COUNTY GOVERNING BODY MAY VARY THE NUMBER, LOCATION, AND FULL-TIME OR PART-TIME STATUS OF MAGISTRATES IN A COUNTY BY WRITTEN AGREEMENT FILED WITH COURT ADMINISTRATION; BY AMENDING SECTION 22-2-200, RELATING TO ACCOMMODATIONS TAX REVENUE AS AFFECTING THE NUMBER OF MAGISTRATES, SO AS TO CONFORM THE PROVISION REGARDING APPOINTMENT OF ADDITIONAL MAGISTRATES DEPENDENT UPON ACCOMMODATIONS TAX REVENUES; BY AMENDING SECTION 22-3-10, AS AMENDED, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES, SO AS TO INCREASE THE CIVIL JURISDICTION FROM FIVE THOUSAND TO SEVEN THOUSAND FIVE HUNDRED DOLLARS; BY AMENDING SECTION 22-8-40, RELATING TO FULL-TIME AND PART-TIME MAGISTRATES AND SALARIES, SO AS TO PROVIDE FOR A NEW SALARY SCHEDULE AND FOR ADDITIONAL MAGISTRATES TO BE APPOINTED DEPENDENT UPON ACCOMMODATIONS TAX REVENUES; BY ADDING SECTION 22-8-45, SO AS TO AUTHORIZE COUNTIES WHICH ARE NOT ABLE TO PAY THE MAGISTRATES' BASE SALARY FROM THE FEE INCREASES TO APPLY TO THE STATE TREASURER'S OFFICE AND REQUEST REIMBURSEMENT FOR THE AMOUNT NOT COVERED; BY AMENDING SECTION 34-11-70, AS AMENDED, RELATING TO EVIDENCE OF FRAUDULENT INTENT IN DRAWING A CHECK AND PROBABLE CAUSE FOR PROSECUTION, SO AS TO INCREASE THE FEE A DEFENDANT MUST PAY FOR ADMINISTRATIVE COSTS FROM TWENTY TO FORTY-ONE DOLLARS WHEN THE CASE IS DISMISSED FOR WANT OF PROSECUTION OR WHEN THE CASE IS DISMISSED ON SATISFACTORY PROOF OR RESTITUTION AND REPAYMENT; BY AMENDING SECTION 34-11-90, AS AMENDED, RELATING TO JURISDICTION OVER OFFENSES CONCERNING FRAUDULENT CHECKS, SO AS TO INCREASE A MAGISTRATE'S JURISDICTION

OVER INSTRUMENTS OF FIVE HUNDRED OR LESS TO JURISDICTION OVER INSTRUMENTS OF ONE THOUSAND DOLLARS OR LESS; TO INCREASE THE AMOUNT OF REASONABLE COURT COSTS THAT A DEFENDANT MUST PAY WHEN THE COURT SUSPENDS A FIRST OFFENSE CONVICTION FOR DRAWING AND UTTERING A FRAUDULENT CHECK FROM TWENTY TO FORTY-ONE DOLLARS; AND BY REQUESTING THAT THE SUPREME COURT MAKE A REPORT TO THE CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEES RECOMMENDING FURTHER NECESSARY CHANGES TO THE MAGISTRATES COURT SYSTEM BY MARCH 15, 2001, AND TO FILE A REPORT BY MARCH 15, 2005, STATING WHETHER THE FEE INCREASES ADEQUATELY COVERED MAGISTRATES' SALARIES.-AMENDED TITLE

01/27/99	House	Introduced and read first time HJ-20
01/27/99	House	Referred to Committee on Judiciary HJ-22
03/09/99	House	Committee report: Favorable with amendment Judiciary HJ-2
03/10/99	House	Requests for debate-Rep(s). Cotty, Harrison, Robinson, Whipper, Altman, Davenport, Barrett, T. Brown, Allison, D. Smith, Riser, Kelley, Rodgers, Martin, Phillips, Campsen & Inabinett HJ-25
03/24/99	House	Member(s) request name removed as sponsor: Haskins, Loftis HJ-11
03/24/99	House	Amended HJ-26
03/24/99	House	Read second time HJ-35
03/24/99	House	Roll call Yeas-105 Nays-6 HJ-36
03/25/99	House	Read third time and sent to Senate HJ-30
03/30/99	Senate	Introduced and read first time SJ-7
03/30/99	Senate	Referred to Committee on Judiciary SJ-7
05/12/99	Senate	Committee report: Favorable with amendment Judiciary SJ-17
05/27/99	Senate	Amended SJ-85
05/27/99	Senate	Read second time SJ-85
05/27/99	Senate	Unanimous consent for third reading on next legislative day SJ-85
05/28/99	Senate	Read third time and returned to House with amendments SJ-140
06/01/99	House	Non-concurrence in Senate amendment HJ-5
06/01/99	Senate	Senate insists upon amendment and conference committee appointed Sens. Bryan, Jackson, Rankin SJ-25
06/01/99	House	Conference committee appointed Cotty, Whipper and McGee HJ-66
02/16/00	Senate	Free conference powers granted SJ-10
02/16/00	Senate	Free conference committee appointed Sens. Bryan, Jackson, Rankin SJ-10
02/16/00	Senate	Free conference report received and adopted SJ-10
02/17/00	House	Free conference powers granted HJ-26
02/17/00	House	Free conference committee appointed Reps. Cotty, Whipper and McGee HJ-29
02/17/00	House	Free conference report received and adopted HJ-29
02/17/00	House	Ordered enrolled for ratification HJ-49
02/23/00		Ratified R 225
02/25/00		Signed By Governor
02/25/00		Effective date The provisions of this Act take effect 07/01/00; except: Sections 2, 16, and 17 take effect 04/01/00; Section 13 takes effect 01/01/01; and Section 6 takes effect on 07/01/01
03/13/00		Copies available
05/02/00		Act No. 226