

## Session 112 - (1997-1998)

**H 4378 General Bill, By Wilkins, T. Brown, Cotty, Harrison, Knotts, Mason, Meacham, Moody-Lawrence, Riser, Sandifer, Simrill, Stille, Stuart, Walker and Whipper**

**Similar (S 0885)**

A BILL TO ENACT "THE MAGISTRATES COURTS REFORM ACT OF 1998" INCLUDING PROVISIONS TO ADD SECTION SECTION 9-11-27, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO PROVIDE THAT MAGISTRATES MAY PARTICIPATE IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM; TO AMEND SECTION 22-1-10, AS AMENDED, RELATING TO APPOINTMENT OF MAGISTRATES, SO AS TO PROVIDE THAT COURT ADMINISTRATION AFTER CONSULTING WITH EACH COUNTY GOVERNING BODY SHALL INFORM THE SENATORS REPRESENTING THE COUNTY OF THE NUMBER OF POSITIONS AVAILABLE IN THE COUNTY, THE NUMBER OF WORK HOURS REQUIRED BY EACH POSITION, THE COMPENSATION FOR EACH POSITION, AND THE AREA OF THE COUNTY TO WHICH EACH POSITION IS ASSIGNED; TO REQUIRE THAT ON OR AFTER MAY 1, 2002, A MAGISTRATE AT THE TIME OF HIS APPOINTMENT MUST HAVE RECEIVED A TWO-YEAR ASSOCIATE DEGREE; AND THAT ON OR AFTER MAY 1, 2006, A MAGISTRATE AT THE TIME OF HIS APPOINTMENT MUST HAVE RECEIVED A FOUR-YEAR BACCALAUREATE DEGREE; TO ADD SECTION 22-1-12 SO AS TO REQUIRE THAT A MAGISTRATE COMPLETE CERTAIN TRIAL OBSERVATIONS PRIOR TO TRYING CASES; TO AMEND SECTION 22-1-15, RELATING TO THE PERSONS PRESENTLY SERVING AS MAGISTRATES, SO AS TO REQUIRE THAT A MAGISTRATE CONTINUING TO SERVE ON MAY 1, 2002, MUST HAVE RECEIVED A TWO-YEAR ASSOCIATE DEGREE AND THAT A MAGISTRATE CONTINUING TO SERVE ON OR AFTER MAY 1, 2006, MUST HAVE RECEIVED A FOUR-YEAR BACCALAUREATE DEGREE AND TO PROVIDE THAT MAGISTRATES SERVING ON JULY 1, 1998, SHALL NOT BE REQUIRED TO MEET THE HIGHER EDUCATION REQUIREMENTS OF SECTION 22-1-10(B) AND (C) DURING THEIR TENURE IN OFFICE; TO ADD SECTION 22-1-17 SO AS TO ESTABLISH A TWO-YEAR PROGRAM AVAILABLE TO MAGISTRATES WHO HAVE SUCCESSFULLY COMPLETED THE CERTIFICATION EXAMINATION; TO ADD 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; TO AMEND 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; SO AS TO ESTABLISH AN ELIGIBILITY EXAMINATION THE RESULTS OF WHICH MUST BE USED BY THE SENATORIAL DELEGATION IN MAKING NOMINATION FOR MAGISTERIAL APPOINTMENTS; TO ADD 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; TO AMEND SECTION 22-2-200, RELATING TO ACCOMMODATIONS TAX REVENUES AS AFFECTING THE NUMBER OF MAGISTRATES, SO AS TO CONFORM THE PROVISION WITH APPOINTMENT OF ADDITIONAL MAGISTRATES DEPENDENT UPON ACCOMMODATIONS TAX REVENUES; TO AMEND 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 AND TO REQUEST THE SUPREME COURT TO MAKE A REPORT TO THE CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES' JUDICIARY COMMITTEES RECOMMENDING ADDITIONAL CHANGES IN THE MAGISTRATES' COURTS SYSTEM.

12/17/97	House	Prefiled
12/17/97	House	Referred to Committee on Judiciary
01/13/98	House	Introduced and read first time HJ-35
01/13/98	House	Referred to Committee on Judiciary HJ-36
03/18/98	House	Committee report: Favorable with amendment Judiciary
03/24/98	House	Requests for debate-Rep(s). Canty, Cave, Harrison, Young, Byrd, Howard, Woodrum, McGee, J. Smith, Easterday, Hamilton & R. Smith HJ-17
03/26/98	House	Amended HJ-40
03/26/98	House	Committed to Committee on Ways and Means HJ-51
04/23/98	House	Committee report: Favorable with amendment Ways and Means HJ-43
04/29/98	House	Requests for debate-Rep(s). Fleming, Harrison, Kirsh, Robinson, Leach, J. Smith, Young, Scott, Cotty & Woodrum HJ-24
04/29/98	House	Amended HJ-61
04/29/98	House	Read second time HJ-84

04/29/98 House Roll call Yeas-110 Nays-1 HJ-84  
04/30/98 House Read third time and sent to Senate HJ-23  
05/05/98 Senate Introduced and read first time SJ-9  
05/05/98 Senate Referred to Committee on Judiciary SJ-9