

Session 123 - (2019-2020)

S 0903 General Bill, By Davis and Young

Summary: Magistrate Reform Act

A BILL TO ENACT THE "MAGISTRATE REFORM ACT OF 2020"; TO AMEND SECTION 22-1-10 OF THE 1976 CODE, RELATING TO THE APPOINTMENT, TERM AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS OF MAGISTRATES, TO PROVIDE THAT MAGISTRATES APPOINTED BY THE GOVERNOR MUST BE CONFIRMED BY A WEIGHTED MAJORITY OF SENATORS AND A WEIGHTED MAJORITY OF MEMBERS OF THE HOUSE OF REPRESENTATIVES THAT COMprise THE LEGISLATIVE DELEGATION IN THE COUNTY FOR WHICH THE MAGISTRATE WAS APPOINTED, TO PROVIDE THAT AN IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY OR AN IMMEDIATE FAMILY MEMBER OF A FORMER MEMBER OF THE GENERAL ASSEMBLY WHO CEASED TO BE A MEMBER OF THE GENERAL ASSEMBLY WITHIN TWO YEARS OF THE PERSON'S APPOINTMENT TO THE OFFICE OF MAGISTRATE IS NOT ELIGIBLE FOR APPOINTMENT AS A MAGISTRATE, TO PROVIDE THAT A MEMBER OF THE GENERAL ASSEMBLY MAY NOT BE APPOINTED TO THE OFFICE OF MAGISTRATE WHILE HE IS SERVING IN THE GENERAL ASSEMBLY OR FOR A PERIOD OF TWO YEARS AFTER HE CEASES TO BE A MEMBER OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT A MAGISTRATE MAY NOT SERVE IN A HOLD OVER CAPACITY FOR MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS TERM OF OFFICE; AND TO AMEND SECTION 22-3-1000(A) OF THE 1976 CODE, RELATING TO THE TIME FOR MOTIONS FOR A NEW TRIAL OR AN APPEAL, TO PROVIDE THAT A NEW TRIAL FOR A CRIMINAL DEFENDANT SENTENCED TO A TERM OF IMPRISONMENT BY A NON-LAWYER MAGISTRATE SHALL BE CONDUCTED BY A MAGISTRATE WHO IS LICENSED TO PRACTICE LAW IN THIS STATE, AND TO PROVIDE THAT APPEALS BY A CRIMINAL DEFENDANT SENTENCED TO A TERM OF IMPRISONMENT BY A NON-LAWYER MAGISTRATE SHALL BE HEARD DE NOVO.

12/11/19 Senate Prefiled

12/11/19 Senate Referred to Committee on Judiciary

12/16/19 Scrivener's error corrected

01/14/20 Senate Introduced and read first time (Senate Journal-page 33)

01/14/20 Senate Referred to Committee on Judiciary (Senate Journal-page 33)