

Session 113 - (1999-2000)

S 0286 General Bill, By Bryan, Rankin and Reese

Summary: Magistrates Court Reform Act of 1999, Courts, Magistrates

A BILL TO ENACT "THE MAGISTRATES COURTS REFORM ACT OF 1999" 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 THIRTY DOLLARS AND TO INCREASE THE FEE FOR PROCEEDINGS BY A LANDLORD AGAINST A TENANT FROM TEN TO FIFTEEN DOLLARS; BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT OF MAGISTRATES, SO AS TO PROVIDE THAT ON OR AFTER JULY 1, 1999, A MAGISTRATE AT THE TIME OF HIS 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 REQUIREMENT OF A FOUR-YEAR BACCALAUREATE DEGREE DOES NOT APPLY TO A MAGISTRATE SERVING ON JULY 1, 1999, DURING HIS TENURE IN OFFICE; BY AMENDING SECTION 22-1-30, 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 AMENDING 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; 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 AMENDING SECTION 34-11-70, 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, WHEN THE CASE IS DISMISSED FOR WANT OF PROSECUTION OR WHEN THE CASE IS DISMISSED ON SATISFACTORY PROOF OR RESTITUTION AND REPAYMENT, FROM TWENTY TO TWENTY-FIVE DOLLARS; BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION OVER OFFENSES CONCERNING FRAUDULENT CHECKS, SO AS TO INCREASE A MAGISTRATE'S JURISDICTION OVER INSTRUMENTS OF FIVE HUNDRED DOLLARS OR LESS TO A JURISDICTION OVER INSTRUMENTS OF ONE THOUSAND DOLLARS OR LESS; TO PROVIDE THE CIRCUMSTANCES OF A CONVICTION IN MAGISTRATE'S COURT THAT ARE PUNISHABLE BY IMPRISONMENT OR FINES; 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 TWENTY FIVE DOLLARS; AND TO INCREASE THE AMOUNT OF REASONABLE COURT COSTS THAT A DEFENDANT MUST PAY AFTER A CONVICTION OR PLEA FOR DRAWING AND UTTERING A FRAUDULENT CHECK; AND BY ADDING SECTION 9-11-27, SO AS TO PROVIDE THAT MAGISTRATES MAY PARTICIPATE IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM; BY ADDING SECTION 22-1-12, 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 TWO-YEAR 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; AND 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; AND BY REQUESTING THAT THE SUPREME COURT MAKE A REPORT TO THE CHAIRMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEES RECOMMENDING FURTHER CHANGES NEEDED.

12/16/98 Senate Prefiled

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