~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2015

**H. 3862**

Introduced by Reps. Quinn, McCoy, Stavrinakis, Bingham, Newton, Bradley, Burns, Merrill, Atwater, Bannister, Bedingfield, Bernstein, Hamilton, Henderson, Herbkersman, Hixon, Huggins, Lowe, Putnam, Rutherford, G.M. Smith, G.R. Smith, J.E. Smith, Stringer, Toole, Delleney and Hart

S. Printed 5/26/15--H.

Read the first time March 18, 2015.

**A** **BILL**

TO AMEND SECTION 14‑1‑215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIRED JUDGES AND JUSTICES CONTINUING TO PRESIDE IN CERTAIN COURTS, SO AS TO REQUIRE THAT IN ADDITION TO CURRENT SCREENING REQUIREMENTS REGARDING RETIRED JUDGES AND JUSTICES PROVIDED BY CHAPTER 19, TITLE 2, RETIRED JUDGES AND JUSTICES ASSIGNED BY THE CHIEF JUSTICE TO PRESIDE OVER ANY PROCEEDING BEFORE A CIRCUIT OR FAMILY COURT OR TO ACT AS AN ASSOCIATE JUSTICE IN A PROCEEDING BEFORE THE SUPREME COURT OR COURT OF APPEALS ALSO MUST BE CONFIRMED EVERY TWO YEARS BY THE GENERAL ASSEMBLY IN JOINT SESSION BEGINNING JANUARY 1, 2016.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2-19-40 of the 1976 Code is amended to read:

“Section 2-19-40. Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held. This section does not apply to retired justices and judges.”

SECTION 2. Section 2-19-100 of the 1976 Code is amended to read:

“Section 2-19-100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the Judicial Merit Selection Commission under procedures it shall establish to review retired judges’ qualifications for continued judicial service ~~and~~, be found by the commission to be qualified to serve in these situations within ~~four~~ two years of the date of his appointment to serve~~, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired~~ and be elected by the General Assembly in joint session.”

SECTION 3. This act takes effect upon approval by the Governor and all retired judges and justices appointed by the Chief Justice to preside over any court in this State after January 1, 2016, must be elected by the General Assembly as provided in this act.

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