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Summary: Magistrates' Reform Act

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3530_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2‑19‑115 SO AS TO REQUIRE CANDIDATES FOR MAGISTRATE POSITIONS TO BE REVIEWED BY THE JUDICIAL MERIT SELECTION COMMISSION IN THE SAME MANNER AS OTHER JUDICIAL CANDIDATES UPON VACANCIES, AND TO DEFINE WHEN VACANCIES OCCUR; BY AMENDING SECTION 22‑1‑10, RELATING TO APPOINTMENT, TERM AND TERRITORIAL JURISDICTION, TRAINING, CERTIFICATION, OR RECERTIFICATION REQUIREMENTS OF MAGISTRATES, SO AS TO PROVIDE PROCEDURES AND LIMITATIONS ON MAGISTRATES’ HOLDOVER STATUS AND TO REQUIRE MAGISTRATES GOING FORWARD TO HOLD A JURIS DOCTOR DEGREE AND BE A MEMBER IN GOOD STANDING OF THE SOUTH CAROLINA BAR; BY AMENDING SECTION 22‑1‑15, RELATING TO MAGISTRATES PRESENTLY SERVING, SO AS TO GRANDFATHER MAGISTRATES SERVING IN OFFICE ON JUNE 30, 2025; BY AMENDING SECTION 22‑3‑10, RELATING TO CIVIL JURISDICTION IN MAGISTRATES COURT, SO AS TO INCREASE THE CIVIL JURISDICTION OF MAGISTRATES COURT; BY AMENDING SECTION 22‑3‑550, RELATING TO CRIMINAL JURISDICTION IN MAGISTRATES COURT, SO AS TO INCREASE THE CRIMINAL JURISDICTION OF MAGISTRATES COURT; AND BY REPEALING SECTIONS 22‑2‑10 AND 22‑2‑15 RELATING TO A SCREENING COMMITTEE TO ASSIST IN THE SELECTION OF MAGISTRATES AND THE SPECIAL ELECTION FOR NONPARTISAN SELECTION OF MAGISTRATES, RESPECTIVELY.

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

SECTION 1. Chapter 19, Title 2 of the S.C. Code is amended by adding:

 Section 2‑19‑115. (A) Upon a magistrate position vacancy, the Senate shall forward a magistrate candidate to the Judicial Merit Selection Commission for review. The commission shall conduct the same review as for other judicial candidates and may conduct a public hearing in the same manner as other judicial candidates pursuant to the provisions of this chapter as the commission deems necessary. The commission shall forward a report on a magistrate candidate’s qualifications to the Senate and Governor prior to the Governor’s appointment. The Governor’s appointment process followed by advice and consent of the Senate is pursuant to the provisions of Section 22‑1‑10. No person found not qualified by the commission may be appointed to a magistrate position.

 (B) For purposes of this section, a vacancy is created in a magistrate position when any of the following occurs, a:

 (1) term expires;

 (2) new magistrate position is created; or

 (3) magistrate no longer can serve due to resignation, retirement, disciplinary action, disability, or death.

SECTION 2. Section 22‑1‑10(A) and (B) of the S.C. Code is amended to read:

 (A)(1) The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years and until their successors are appointed and qualified, or their positions are terminated as provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40.

 (2) A magistrate may serve in a holdover capacity for no more than fourteen days from the expiration of the magistrate’s term. If a magistrate is not appointed within this time because of the Senate’s failure to give advice and consent, then the Governor may make a temporary appointment until advice and consent is received for a permanent appointment. Any magistrate or magistrate candidate who has been reprimanded by the Supreme Court of South Carolina or any other disciplinary authority may not be appointed or reappointed unless approved by a majority of the Senate after the Senate is informed of the reprimand or disciplinary action.

 (3) Magistrates serving the counties of Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Cherokee, Chesterfield, Clarendon, Colleton, Dillon, Edgefield, Florence, Greenville, Hampton, Jasper, Lancaster, Lee, Marion, McCormick, Oconee, Pickens, Saluda, Sumter, and Williamsburg shall serve terms of four years commencing May 1, 1990. Magistrates serving the counties of Aiken, Anderson, Barnwell, Berkeley, Charleston, Chester, Darlington, Dorchester, Fairfield, Georgetown, Greenwood, Horry, Kershaw, Laurens, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Union, and York shall serve terms of four years commencing May 1, 1991.

 (4) At least ninety days before the date of the commencement of the terms provided in the preceding paragraph and every four years thereafter, each county governing body must inform, in writing, the Senators representing that county of the number of full‑time and part‑time magistrate 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. If the county governing body fails to inform, in writing, the Senators representing that county of the information as required in this section, then the compensation, hours, and location of the full‑time and part‑time magistrate positions available in the county remain as designated for the previous four years.

 (5) Each magistrate’s number of work hours, compensation, and work location must remain the same throughout the term of office, except for a change (1) specifically allowed by statute or (2) authorized by the county governing body at least four years after the magistrate’s most recent appointment and after a material change in conditions has occurred which warrants the change. Nothing provided in this section prohibits the raising of compensation or hours and compensation during a term of office. No magistrate may be paid for work not performed except for bona fide illness or as otherwise provided by law.

 (6) The number of magistrates to be appointed for each county and their territorial jurisdiction are as prescribed by law before March 2, 1897, for trial justices in the respective counties of the State, except as otherwise provided in this section.

 (B)(1) No person is eligible to hold the office of magistrate who is not at the time of his appointment a citizen of the United States and of this State, and who has not been a resident of this State for at least five years, has not attained the age of twenty‑one years upon his appointment, and has not received a high school diploma or its equivalent educational training as recognized by the State Department of Education.

 (2) Notwithstanding the educational qualifications required in item (1):

 (a) On and after July 1, 2001, no person is eligible for an initial appointment to hold the office of magistrate who: (i) is not at the time of his appointment a citizen of the United States and of this State, (ii) has not been a resident of this State for at least five years, (iii) has not attained the age of twenty‑one years upon his appointment, and (iv) has not received a two‑year associate degree.

 (b) On and after July 1, 2005, no person is eligible for an initial appointment to hold the office of magistrate who: (i) is not at the time of his appointment a citizen of the United States and of this State, (ii) has not been a resident of this State for at least five years, (iii) has not attained the age of twenty‑one years upon his appointment, and (iv) has not received a four‑year baccalaureate degree.

 (c) On and after July 1, 2025, no person is eligible for an initial appointment to hold the office of magistrate who (i) is not at the time of his appointment a citizen of the United States and of this State, (ii) has not been a resident of this State for at least five years, (iii) has not attained the age of twenty‑one years upon his appointment, and (iv) has not received a juris doctor degree and is not a member in good standing of the South Carolina Bar.

SECTION 3. Section 22‑1‑15 of the S.C. Code is amended by adding:

 (D) The provisions of Section 22‑1‑10(B)(2)(c) do not apply to a magistrate serving on June 30, 2025, during his tenure in office including subsequent reappointments.

SECTION 4. Section 22‑3‑10 of the S.C. Code is amended to read:

 Section 22‑3‑10. Magistrates have concurrent civil jurisdiction in the following cases:

 (1) in actions arising on contracts for the recovery of money only, if the sum claimed does not exceed seventwenty‑five thousand five hundred dollars;

 (2) in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed seventwenty‑five thousand five hundred dollars;

 (3) in actions for a penalty, fine, or forfeiture, when the amount claimed or forfeited does not exceed seventwenty‑five thousand five hundred dollars;

 (4) in actions commenced by attachment of property, as provided by statute, if the debt or damages claimed do not exceed seventwenty‑five thousand five hundred dollars;

 (5) in actions upon a bond conditioned for the payment of money, not exceeding seventwenty‑five thousand five hundred dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due, and when the payments are to be made by installments an action may be brought for each installment as it becomes due;

 (6) in any action upon a surety bond taken by them, when the penalty or amount claimed does not exceed seventwenty‑five thousand five hundred dollars;

 (7) in any action upon a judgment rendered in a court of a magistrate or an inferior court when it is not prohibited by the South Carolina Rules of Civil Procedure;

 (8) to take and enter judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed seventwenty‑five thousand five hundred dollars;

 (9) in any action for damages or for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed seventwenty‑five thousand five hundred dollars;

 (10) in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41, of Title 27;

 (11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of seventwenty‑five thousand five hundred dollars;

 (12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed seventwenty‑five thousand five hundred dollars, except that this limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land;

 (13) in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed seventwenty‑five thousand five hundred dollars; and

 (14) in actions for damages arising from a person’s failure to return leased or rented personal property within seventy‑two hours after the expiration of the lease or rental agreement, such damages to be based on the loss of revenue or replacement value of the property, whichever is less, if the damages claimed do not exceed seventwenty‑five thousand five hundred dollars; however, the lease or rental agreement must set forth the manner in which the amount of the loss of revenue or replacement value of the item leased or rented is calculated.

SECTION 5. Section 22‑3‑550 of the S.C. Code is amended to read:

 Section 22‑3‑550. (A) Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundredtwenty‑five thousand dollars, or imprisonment not exceeding thirty daysone year, or both. In addition, a magistrate may order restitution in an amount not to exceed the civil jurisdictional amount provided in Section 22‑3‑10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.

 A magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay. In addition, a magistrate may convert any unpaid restitution, fines, costs, fees, surcharges, and assessments to a civil judgment as provided in Section 17‑25‑323(C).

 (B) However, a magistrate does not have the power to sentence a person to consecutive terms of imprisonment totaling more than ninety days except for convictions resulting from violations of Chapter 11, Title 34, pertaining to fraudulent checks, or violations of Section 16‑13‑110(B)(1), relating to shoplifting. Further, a magistrate must specify an amount of restitution in damages at the time of sentencing as an alternative to any imprisonment of more than ninety days which is lawfully imposed. The provisions of this subsection do not affect the transfer of criminal matters from the general sessions court made pursuant to Section 22‑3‑545.

SECTION 6. Sections 22‑2‑10 and 22‑2‑15 of the S.C. Code are repealed.

SECTION 7. This act takes effect on July 1, 2025.

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