**South Carolina General Assembly**

126th Session, 2025-2026

**S. 426**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kennedy, Reichenbach, Kimbrell, Johnson, Cromer, Peeler, Garrett, Davis, Cash, Goldfinch, Hembree, Leber, Climer, Corbin, Massey, Gambrell, Bennett, Verdin, Grooms, Turner, Tedder, Adams, Fernandez, Rice, Elliott, Williams, Sabb and Zell

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Introduced in the Senate on March 5, 2025

Currently residing in the Senate Committee on **Judiciary**

Summary: Circuit Public Defenders

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/5/2025 Senate Introduced and read first time (Senate Journal‑page 19)

 3/5/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 19)

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**VERSIONS OF THIS BILL**

[03/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/426_20250305.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17‑3‑510, RELATING TO THE CIRCUIT PUBLIC DEFENDER SELECTION PANEL, SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT CIRCUIT PUBLIC DEFENDERS WITH THE ADVICE AND CONSENT OF THE SENATE.

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

SECTION 1. Section 17‑3‑510 of the S.C. Code is amended to read:

 Section 17‑3‑510. (A) There is created in each judicial circuit in the State a Circuit Public Defender Selection Panel, the membership of which is composed of, and must be elected by, the active, licensed attorneys who reside within the counties of each judicial circuit. Each county in each judicial circuit must be represented by at least one member and the remaining members must be determined by equal weighting of county population based on the most recent decennial census and the most recent annual county appropriations to public defender operations according to the following formula:The Governor, by and with the advice and consent of the Senate, shall appoint a circuit public defender for each judicial circuit for a term of four years beginning on July first of the appropriate year.

 (1) percentage of distribution of population plus the percentage of distribution of appropriations for public defender operations divided by two and rounded to the nearest whole number;

 (2) the weighted values of each county multiplied by the number of remaining members in each Circuit Public Defender Selection Panel determines the number of additional members each county must have on the panel.

 Judicial circuits with three or less counties must have five members. Judicial circuits with four counties must have seven members. Judicial circuits with five counties must have nine members.

 (B) A solicitor, assistant solicitor, an employee of a solicitor's office, or an employee of the South Carolina Prosecution Coordination Commission may not serve as a member of a Circuit Public Defender Selection Panel. Members of a Circuit Public Defender Selection Panel must reside in the judicial circuit in which they serve. Circuit Public Defender Selection Panel members shall serve for a term of five years. A vacancy for an appointed member must be in the same manner of the original appointment filled by the appointing authority.

 (C)(B) By a weighted majority vote of its membership, the Senatorial delegation representing the judicial circuit Circuit Public Defender Selection Panel shall nominate a person recommend to the Governor three candidates to serve as the circuit public defender in the judicial circuit. The Governor shall appoint one of the three recommended candidates as provided in this article. The commission shall, by majority vote of its members, accept or reject the nomination, but may not substitute the name of another person. Initial appointments of circuit public defenders must be made in order for the first appointees to take office no later than one year from the effective date of this act, for a term of four years. A circuit public defender may be reappointed by the commission Governor to serve successive terms following the same manner of the original appointment. The circuit public defender for each judicial circuit must be a full‑time employee of the State and must be compensated and have the same benefits as the circuit solicitor. A circuit public defender may not engage in the private practice of law or another full‑time business for profit.

 (D)(C) A circuit public defender may be removed from office by the Governor in the manner provided in Section 1‑3‑240(A)(3) for cause by a majority vote of the commission.

 (E)(D) If a vacancy occurs, by death, resignation, or otherwise, in the position of circuit public defender, then the commission Governor shall appoint an interima successor to fill the vacancy for the unexpired term. circuit public defender to serve until a replacement has been selected by the commission. The Circuit Public Defender Selection Panel shall nominate a replacement circuit public defender within three months of the occurrence of the vacancy. Selection of a replacement must be in the same manner as the original appointment.

SECTION 2. This act takes effect upon approval by the Governor.

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