**South Carolina General Assembly**

118th Session, 2009-2010

**S. 397**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Bright, Bryant, Cromer, Ryberg, Knotts, S. Martin, Reese, Mulvaney, Davis, Campbell, Rose, Shoopman and Thomas

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Introduced in the Senate on February 10, 2009

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-10-09.docx)‑77

2/10/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\02-10-09.docx)‑7

2/19/2009 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin, Mulvaney

**VERSIONS OF THIS BILL**

[2/10/2009](file:///p:\pprever\2009-10\397_20090210.docx)

**A** **BILL**

TO AMEND SECTION 22‑1‑40 OF THE 1976 CODE, RELATING TO APPEARANCE AS AN ATTORNEY IN A CASE BEFORE A MAGISTRATE, TO PROHIBIT SENATORS, THEIR FAMILY MEMBERS, AND LEGAL ASSOCIATES FROM REPRESENTING ANOTHER PERSON AS AN ATTORNEY AT LAW BEFORE A MAGISTRATE THE SENATOR RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT.

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

SECTION 1. Section 22‑1‑40 of the 1976 Code is amended to read:

“Section 22‑1‑40. (A) It shall be unlawful for any magistrate to appear as attorney at law in any of the courts of this State in any action which may have been before him in his official capacity as such magistrate. Any magistrate who violates the provisions of this section shall forfeit his office.

(B) A senator, an individual with whom he is professionally associated, or a law firm with which he is associated or in which he is a partner may not represent another person as an attorney at law before a magistrate that the senator recommended to the Governor for appointment. A person who violates this subsection must be reported to the Office of Disciplinary Counsel at the Supreme Court for appropriate disciplinary action.”

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

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