**South Carolina General Assembly**

119th Session, 2011-2012

**A244, R271, S1055**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McConnell and Ford

Document Path: l:\s-jud\bills\mcconnell\jud0001.js.docx

Companion/Similar bill(s): 4467

Introduced in the Senate on January 10, 2012

Introduced in the House on March 1, 2012

Last Amended on June 5, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Revision to the composition of Judicial Council

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2011 Senate Prefiled

 12/14/2011 Senate Referred to Committee on **Judiciary**

 1/10/2012 Senate Introduced and read first time ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C01-10-12.docx))

 1/10/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 31](file:///h%3A%5Csj%20archive%5C2012%5C01-10-12.docx))

 1/9/2012 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

 2/22/2012 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C02-22-12.docx))

 2/23/2012 Scrivener's error corrected

 2/28/2012 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5Csj%20archive%5C2012%5C02-28-12.docx))

 2/28/2012 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5Csj%20archive%5C2012%5C02-28-12.docx))

 2/29/2012 Senate Read third time and sent to House ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2012%5C02-29-12.docx))

 3/1/2012 House Introduced and read first time ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C03-01-12.docx))

 3/1/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C03-01-12.docx))

 5/30/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 32](file:///h%3A%5Chj%20archive%5C2012%5C05-30-12.docx))

 6/5/2012 House Amended ([House Journal‑page 75](file:///h%3A%5Chj%20archive%5C2012%5C06-05-12.docx))

 6/5/2012 House Read second time ([House Journal‑page 75](file:///h%3A%5Chj%20archive%5C2012%5C06-05-12.docx))

 6/5/2012 House Roll call Yeas‑103 Nays‑1 ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2012%5C06-05-12.docx))

 6/6/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 36](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 98](file:///h%3A%5Csj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 98](file:///h%3A%5Csj%20archive%5C2012%5C06-06-12.docx))

 6/12/2012 Ratified R 271

 6/18/2012 Signed By Governor

 6/25/2012 Effective date 06/18/12

 6/27/2012 Act No. 244

**VERSIONS OF THIS BILL**

[12/14/2011](file:///p%3A%5Cpprever%5C2011-12%5C1055_20111214.docx)

[2/22/2012](file:///p%3A%5Cpprever%5C2011-12%5C1055_20120222.docx)

[2/23/2012](file:///p%3A%5Cpprever%5C2011-12%5C1055_20120223.docx)

[5/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C1055_20120530.docx)

[6/5/2012](file:///p%3A%5Cpprever%5C2011-12%5C1055_20120605.docx)

(A244, R271, S1055)

**AN ACT** **TO AMEND SECTION 14‑27‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD A MUNICIPAL COURT JUDGE AS A MEMBER IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14‑27‑30, AS AMENDED, RELATING TO MEMBERS APPOINTED BY THE CHIEF JUSTICE, SO AS TO PROVIDE FOR THE APPOINTMENT OF TWO SUMMARY COURT JUDGES IN LIEU OF TWO MAGISTRATE COURT JUDGES, AND TO PROVIDE FOR THE APPOINTMENT OF ONE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW; AND TO AMEND SECTION 14‑27‑40, AS AMENDED, RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, THE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR AND APPOINTED BY THE CHIEF JUSTICE SERVES COTERMINOUS WITH THE TERM OF THE PRESIDENT OF THE SOUTH CAROLINA BAR WHO RECOMMENDED HIS APPOINTMENT, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR‑YEAR TERM.**

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

**Composition of Judicial Council altered**

SECTION 1. Section 14‑27‑20 of the 1976 Code, as last amended by Act 678 of 1988, is further amended to read:

 “Section 14‑27‑20. The Judicial Council is composed of the following:

 (1) the Chief Justice of the Supreme Court of South Carolina or some other member of the court designated by him or her;

 (2) the Chief Judge of the South Carolina Court of Appeals;

 (3) two circuit court judges of the State;

 (4) two family court judges of the State;

 (5) two probate judges of the State;

 (6) the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors;

 (7) the Dean or a member of the faculty of the Law School of the University of South Carolina;

 (8) one person recommended by the Charleston School of Law;

 (9) the President of the South Carolina Bar or his designee;

 (10) the Lieutenant Governor or his designee;

 (11) the Speaker of the House of Representatives or his designee;

 (12) the Chairman of the Senate Finance Committee or his designee;

 (13) the Chairman of the House Ways and Means Committee or his designee;

 (14) the Chairman of the Senate Judiciary Committee or his designee;

 (15) the Chairman of the House Judiciary Committee or his designee;

 (16) the Director of the Legislative Council;

 (17) six other members, of whom at least four must be members of the bar of this State;

 (18) two summary court judges: one shall be a magistrate court judge, and one shall be a municipal court judge; and

 (19) two masters‑in‑equity.”

**Members of Judicial Council appointed by Chief Justice altered**

SECTION 2. Section 14‑27‑30 of the 1976 Code, as last amended by Act 678 of 1988, is further amended to read:

 “Section 14‑27‑30. The Chief Justice of the Supreme Court shall appoint the following members to the Judicial Council: the two circuit court judges; the two family court judges; the two probate judges; the two summary court judges; the two masters‑in‑equity; the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors; the Dean or member of the faculty of the Law School of the University of South Carolina; one person recommended by the Charleston School of Law; and the six remaining members of the Judicial Council.

 The Lieutenant Governor, the Speaker of the House or their designees, the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees, the Director of the Legislative Council, and the President of the South Carolina Bar or his designee all serve ex officio.”

**Terms of members of Judicial Council**

SECTION 3. Section 14‑27‑40 of the 1976 Code, as last amended by Act 678 of 1988, is further amended to read:

 “Section 14‑27‑40. Members of the Judicial Council serve for the following terms:

 (1) If he designates no other member of the Supreme Court, the Chief Justice serves during his term of office. If the Chief Justice designates some other member of the court, the other member serves during his term of office.

 (2) The Lieutenant Governor, Speaker of the House or their designees, and the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.

 (3) The person recommended by the South Carolina Bar and appointed by the Chief Justice serves coterminous with the term of the President of the South Carolina Bar who makes the recommendation of the person for appointment.

 (4) The Chief Judge of the South Carolina Court of Appeals serves during his term of office.

 (5) The member of the legal department of the State (Attorney General, one of the Assistant Attorneys General, or one of the circuit solicitors) serves for a period of four years.

 (6) The Dean or member of the faculty of the Law School of the University of South Carolina and the person recommended by the Charleston School of Law serve for a period of four years.

 (7) The two circuit court judges serve for a period of four years each.

 (8) The two family court judges serve for a period of four years each.

 (9) The two judges of the probate courts serve for a period of four years each.

 (10) The Director of the Legislative Council serves during his term of office.

 (11) The two summary court judges serve for a period of four years each.

 (12) The two masters‑in‑equity serve for a period of four years each.

 (13) Three of the remaining six members of the Judicial Council must be appointed initially for terms of two years each, and three members must be appointed initially for terms of four years each. After the initial appointments, all six members must be appointed for terms of four years each.

 The members designated in items (4), (5), (6), (7), (8), (9), (11), and (12) cease to be members of the Judicial Council before the expiration of their respective terms if they cease to hold the official positions entitling them to membership on the Judicial Council.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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