**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3642**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Rep. McCabe

Document Path: LC-0109HDB25.docx

Introduced in the House on January 14, 2025

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2024 House Prefiled

12/12/2024 House Referred to Committee on **Judiciary**

1/14/2025 House Introduced and read first time ([House Journal‑page 277](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 277](h:\hj\20250114.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3642&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3642_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22‑1‑10, RELATING TO THE APPOINTMENT, TERM, AND JURISDICTION OF MAGISTRATES, SO AS TO ESTABLISH TWO CLASSES OF MAGISTRATES, AND TO PROVIDE FOR THE APPOINTMENT, TERM, AND QUALIFICATIONS OF CLASS 2 MAGISTRATES; BY AMENDING SECTION 22‑1‑15, RELATING TO MAGISTRATES PRESENTLY SERVING, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 22‑1‑30, RELATING TO SUSPENSION, REMOVAL, OR NONREAPPOINTMENT OF MAGISTRATES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 22‑2‑5, RELATING TO ELIGIBILITY EXAMINATIONS FOR MAGISTRATES, SO AS TO MAKE CONFORMING CHANGES AND SUBJECT CLASS 2 MAGISTRATES TO THE REQUIREMENTS OF CHAPTER 19, TITLE 2 OF THE S.C. CODE; BY AMENDING SECTION 22‑3‑10, RELATING TO CONCURRENT CIVIL JURISDICTION, SO AS TO CLARIFY THE JURISDICTION OF THE TWO CLASSES OF MAGISTRATES, AND TO INCREASE THE CIVIL JURISDICTION OF MAGISTRATES; BY AMENDING SECTION 22‑3‑540, RELATING TO EXCLUSIVE AND CONCURRENT JURISDICTION IN CRIMINAL CASES, SO AS TO CLARIFY THE JURISDICTION OF THE TWO CLASSES OF MAGISTRATES; BY AMENDING SECTION 22‑3‑800, RELATING TO SUSPENSION OF IMPOSITION OR EXECUTION OF A SENTENCE IN CERTAIN CASES, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 22‑8‑40, RELATING TO FULL‑TIME AND PART‑TIME MAGISTRATES’ SALARIES, SO AS TO ESTABLISH THE SALARY SCHEDULE FOR CLASS 2 MAGISTRATES.

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

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

Section 22‑1‑10. (A)(1) The Governor, by and with the advice and consent of the Senate, may appoint Class 1 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) The Governor, by and with the advice and consent of the General Assembly, may appoint Class 2 magistrates in each county of the State for a term of four years and until their successors are appointed and qualify, or their positions are terminated as provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40. Class 2 magistrate elections are subject to the requirements of Chapter 19, Title 2 of the S.C. Code.

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.

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.

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.

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 Class 1 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.

(3) No person is eligible to hold the office of a Class 2 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 at least five years, has attained the age of thirty years upon his appointment, and has been licensed to practice law in this State for a period of at least seven continuous years at the time of his appointment.

SECTION 2. Section 22‑1‑15(A) of the S.C. Code is amended to read:

(A) The provisions of Section 22‑1‑10(B) do not apply to a Class 1 magistrate serving on January 1, 1989, during his tenure in office. A magistrate holding office after January 1, 1989, must achieve a high school education or the equivalent educational training as recognized by the State Department of Education within two years of January 1, 1989, and must submit a certified copy of his high school diploma or certified proof of its recognized equivalent in educational training as established by the State Department of Education to the South Carolina Court Administration. However, this requirement does not apply to a magistrate with at least five years’ service as a magistrate on January 1, 1989. The South Carolina Court Administration must report to the Governor’s Office a magistrate’s failure to submit the proper documentation, and a magistrate’s violation of this subsection terminates his term of office.

SECTION 3. Section 22‑1‑30(B) of the S.C. Code is amended to read:

(B) If a senatorial delegation recommends that the Governor not reappoint a Class 1 magistrate upon completion of his term of office, the Governor may send a message to the Senate that the magistrate is not reappointed. Upon receipt of the message, the Senate must ratify the message not to reappoint by the confirmation process. If the ratification takes place, the magistrate’s service is terminated at the end of his term and the magistrate does not continue to serve until a successor is appointed. Notice of the ratification must be sent to the Supreme Court.

SECTION 4. Section 22‑2‑5(A) of the S.C. Code is amended to read:

(A) The South Carolina Court Administration, in cooperation with the technical college system, shall select and administer an eligibility examination to test basic skills of persons seeking an initial appointment as magistrate on or after July 1, 2001. In determining the persons to be recommended to the Governor for initial appointments as magistrates on or after July 1, 2001, a senatorial delegation must use the results of these eligibility examinations to assist in its selection of nominees. No person is eligible to be appointed as a magistrate unless he receives a passing score on the eligibility examination. The results of these eligibility examinations are valid for six months before and six months after the time the appointment is to be made. Class 2 magistrates shall be subject to the additional requirements pursuant to Chapter 19, Title 10 of the S.C. Code.

SECTION 5. Section 22‑3‑10 of the S.C. Code is amended to read:

Section 22‑3‑10. (A) Class 1 Magistratesmagistrates 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 seven ten 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 seven ten thousand five hundred dollars;

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

(5) in actions upon a bond conditioned for the payment of money, not exceeding seven ten 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 seven ten 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 seven ten 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 seven ten 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 seven ten thousand five hundred dollars;

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed seven ten 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 seven 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 seven ten 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.

(B) Class 2 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 fifty thousand 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 fifty thousand dollars;

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

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

(5) in actions upon a bond conditioned for the payment of money, not exceeding fifty thousand 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 fifty thousand 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 fifty thousand 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 twenty thousand dollars;

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

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed fifty thousand 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 fifty thousand dollars;

(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 twenty thousand 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; and

(15) in supplemental proceedings for the collection of judgments not exceeding fifty thousand dollars.

SECTION 6. Section 22‑3‑540 of the S.C. Code is amended to read:

Section 22‑3‑540. (A) Class 1 Magistratesmagistrates shall have exclusive jurisdiction of all criminal cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days, except cases in which an offense within the jurisdiction of a magistrate is included in the charge of an offense beyond his jurisdiction or when it is permissible to join a charge of an offense within his jurisdiction with one or more of which the magistrate has no jurisdiction. Class 1 Magistratesmagistrates shall have concurrent but not exclusive jurisdiction in the excepted cases. The provisions of this section shall not be construed so as to limit the jurisdiction of any magistrate whose jurisdiction has been extended beyond that stated above.

(B) Class 2 magistrates shall have the same jurisdiction in criminal cases as a Class 1 magistrate, and shall have concurrent jurisdiction in cases involving Class B and Class C misdemeanors as defined in Title 16.

SECTION 7. Section 22‑3‑800 of the S.C. Code is amended to read:

Section 22‑3‑800. Notwithstanding the limitations of Sections 17‑25‑100 and 24‑21‑410, after a conviction or plea for an offense within a magistrate’s jurisdiction the magistrate at the time of sentence may suspend the imposition or execution of a sentence upon terms and conditions the magistrate considers appropriate, including imposing or suspending up to one hundred hours of community service, except where the amount of community service is established otherwise. The magistrate shall not order community service in lieu of a sentence for offenses under Title 50, for offenses under Section 34‑11‑90, or for an offense of driving under suspension pursuant to Section 56‑1‑460 when the person’s driver’s license was suspended pursuant to the provisions of Section 56‑5‑2990. The magistrate must keep records on the community service hours ordered and served for each sentence. However, after a conviction or plea for drawing and uttering a fraudulent check or other instrument in violation of Section 34‑11‑60 within the magistrate’s jurisdiction, at the time of sentence the magistrate may suspend the imposition or execution of a sentence only upon a showing of satisfactory proof of restitution. When a minimum sentence is provided for by statute, except in Section 34‑11‑90, the magistrate may not suspend that sentence below the minimum sentence provided, and penalties under Title 50 may not be suspended to an amount less than twenty‑five dollars unless the minimum penalty is a fine of less than that amount. Nothing in this section may be construed to authorize or empower a magistrate to suspend a specific suspension of a right or privilege imposed under a statutory administrative penalty. Nothing in this section may be construed to give a Class 1 magistrate the right to place a person on probation.

SECTION 8. Section 22‑8‑40 (A) and (B) of the S.C. Code is amended to read:

(A) A county is not required to have a full‑time magistrate and may have only part‑time magistrates.

(B) Each Class 1 magistrate in this State must be paid as follows by the county which he serves:

(1) The following salary schedule shall be used to determine a magistrate’ s annual compensation prior to the completion of his fourth year in office:

(a) upon being appointed a magistrate, a magistrate shall be paid seventy‑ five percent of the base salary for his county’s population category as provided in item (2)(3);

(b) upon completing the requirements of Sections 22‑1‑10(C) and 22‑1‑16, a magistrate shall be paid eighty percent of the base salary for his county’s population category as provided in item (2)(3);

(c) upon the magistrate’s completion of his second year in office, a magistrate shall be paid eighty‑five percent of the lowest salary rate for his county’s population category as provided in item (2)(3);

(d) upon the magistrate’s completion of his third year in office, a magistrate shall be paid ninety percent of the lowest salary rate for his county’s population category as provided in item (2)(3);

(e) upon the magistrate’s completion of his fourth year in office, a magistrate shall be paid one hundred percent of the lowest salary rate for his county's population category as provided in item (2)(3).

(2) The following salary schedule shall be used to determine a Class 2 magistrate’s annual compensation prior to the completion of his fourth year in office:

(a) upon his appointment, a magistrate shall be paid one hundred percent of the base salary for his county’s population category as provided in item (3);

(b) upon completing the requirements of Sections 22 1 10(C) and 22 1 16, a magistrate shall be paid one hundred ten percent of the lowest salary rate for his county’s population category as provided in item (3);

(c) upon completion of his third year in office, a magistrate shall be paid one hundred twenty percent of the lowest salary rate for his county’s population category as provided in item (3);

(d) upon completion of his third year in office, a magistrate shall be paid one hundred thirty percent of the lowest salary rate for his county’s population category as provided in item (3); and

(e) upon completion of his fourth year in office, a magistrate shall be paid one hundred forty percent of the lowest salary rate for his county’s population category as provided in item (3).

(3) There is established a base salary for each population category as follows:

(a) for those counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, the base salary is fifty‑five percent of a circuit judge’s salary for the state’s previous fiscal year;

(b) for those counties with a population of at least fifty thousand but not more than one hundred forty‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, the base salary is forty‑five percent of a circuit judge’s salary for the state’s previous fiscal year;

(c) for those counties with a population of less than fifty thousand, according to the latest official United States Decennial Census, the base salary is thirty‑five percent of a circuit court judge’s salary for the state's previous fiscal year.

(3) The provisions of this subsection are effective July 1, 2000 2026.

SECTION 9. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑