**South Carolina General Assembly**

126th Session, 2025-2026

**S. 398**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Stubbs and Zell

Document Path: SR-0040CEM25.docx

Introduced in the Senate on February 26, 2025

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/26/2025 Senate Introduced and read first time (Senate Journal‑page 9)

 2/26/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 9)

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**VERSIONS OF THIS BILL**

[02/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/398_20250226.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22‑1‑10, RELATING TO APPOINTMENT REQUIREMENTS, SO AS TO ALLOW INDIVIDUALS WITH MILITARY OR LAW ENFORCEMENT EXPERIENCE TO BE ELIGIBLE TO BE APPOINTED A MAGISTRATE IN COUNTIES WITH LESS THAN FIFTY THOUSAND PEOPLE.

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

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

 (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, in counties with a population of less than fifty thousand people, the requirement to hold a four‑year baccalaureate degree to be eligible for an initial appointment to hold the office of magistrate is waived for an individual with four years of full-time law enforcement or military experience.

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

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