

**From:** Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>  
**To:** Veldran, Katherine <KatherineVeldran@gov.sc.gov>  
**CC:** Patel, Swati <SwatiPatel@gov.sc.gov>  
Philpott, Katie <KatiePhilpott@gov.sc.gov>  
**Date:** 8/10/2016 1:03:57 PM  
**Subject:** RE: Magistrate Hours Question

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Looping in Katie to provide what information is collected from our office for the appointment.

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**From:** Veldran, Katherine  
**Sent:** Wednesday, August 10, 2016 11:51 AM  
**To:** Schimsa, Rebecca  
**Cc:** Patel, Swati  
**Subject:** FW: Magistrate Hours Question

More questions below regarding York County's magistrates.

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**From:** Sarah Gilbert [<mailto:SarahGilbert@scsenate.gov>]  
**Sent:** Wednesday, August 10, 2016 11:08 AM  
**To:** Veldran, Katherine  
**Subject:** Magistrate Hours Question

Hi Katherine,

Per our conversation, here is another question I have. Is this something that has to be done through your office or is just done by a delegation letter to court administration?

**SECTION 22-1-10.** Appointment; term and territorial jurisdiction; training, certification or recertification requirement.

(A) The Governor, by and with the advice and consent of the Senate, may appoint 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.

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.

**SECTION 22-2-40.** Number and location of magistrates in county; ministerial magistrates.

(A) The General Assembly shall provide for the number and location of magistrates in each county. The provisions of this chapter shall not be construed to prevent more than one magistrate from being assigned to the same jury area.

(B) In each county, one or more magistrates may be designated by the Governor with the advice and consent of the Senate as ministerial magistrates for the purpose of carrying out the following responsibilities:

(1) to issue criminal warrants;

(2) to approve and accept written bonds in criminal matters, or in lieu of written bonds to approve and accept cash bonds;

(3) to order the release of prisoners when proper and adequate bonds have been duly posted; and

(4) to transfer any such warrant and written or cash bond to a magistrate having proper jurisdiction.

Ministerial magistrates shall be available at nighttime and on weekends during such hours as may be designated by the chief magistrate.

(C) Notwithstanding the provisions of subsection (A), Section 22-1-10(A), or Section 22-8-40(C) and (D), the number, location, and full-time or part-time status of magistrates in the county may be increased or decreased from the required and permissive provisions in Section 22-8-40(C) and (D) as provided in Section 22-1-30(B), or by filing with court administration a written agreement between the members of the Senate delegation for the county and the county governing body; however, a magistrate's compensation must not be decreased during his term in office.

The Governor appointed Ms. Wood last year, so it seems like your office has completed all its responsibilities. It would appear that the authority to change the hours and location of a magistrate lies with the delegation and the county governing body to be filed with Court Administration.

If you have a different take on this, please let me know. Thanks for your help on this.

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