

CHAPTER 7. COURT

MARCH 6, 2015

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Established.
- 7.102. Jurisdiction. Civil Matters.
- 7.103. Appointment. Term. Compensation. Oath. Residence.
- 7.104. Acting Judge.
- 7.105. Clerk of Court.
- 7.106. Session of the Court.
- 7.107. Disposition of Fines and Penalties.
- 7.108. Police Chief to Attend Court Sessions.

ARTICLE II. JURIES

- 7.201. Jury Commissioners. Council May Act.
- 7.202. Jury Box. Compartments.
- 7.203. Jury List. Computer Generated.
- 7.204. Juries. Single Trials. Trial Terms. Etc.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Compensation.

ARTICLE III. PENALTIES AND FINES

- 7.301. Maximum Penalty.

CHAPTER 7. COURT

Editor's Note. The General Assembly requires all municipalities in this state to conform to the Unified Judicial System by establishing a Municipal Court.

This chapter derives from Title 14, Chapter 25, of the 1976 South Carolina Code of Laws and the 1976 Campobello Code.

7.101. ESTABLISHED.

There is hereby established a Municipal Court for The Town of Campobello which shall be a part of the unified judicial system of the State of South Carolina.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CIVIL MATTERS.

- a. The Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and shall have all such judicial powers and duties as are conferred by the laws of the State of South Carolina.

(1976 SC Code §14-25-45)

- b. The Court shall have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon Magistrates appointed and commissioned in this county.
- c. The Court shall have no jurisdiction in civil matters.

(1976 SC Code 14-25-45)

7.103. APPOINTMENT. TERM. COMPENSATION. OATH. RESIDENCE.

- a. The Court shall be presided over by a Municipal Judge who shall be appointed by the Mayor for a term not to exceed four (4) years and shall receive such compensation as determined by Council.
- b. Before entering upon the discharge of the duties of his office, he shall take and subscribe the oath of office prescribed by Article VI, Section 5, of the South Carolina Constitution.
- c. The Judge shall not be required to be a resident of the city.

(1976 SC Code §14-25-1 5, §1 4-25-25)

7.104. ACTING JUDGE.

The Council may appoint a competent person as Acting Judge in the manner of original appointment during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

7.105. CLERK OF COURT.

The Mayor may appoint a Clerk of Court who shall keep such records and make such reports as may be required by the Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

7.106. SESSIONS OF THE COURT.

The Council shall establish a regular place for the Court to hold its sessions.

7.107. DISPOSITION OF FINES AND PENALTIES.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Town Treasurer by the Clerk of Court.

7.108. POLICE CHIEF TO ATTEND COURT SESSIONS.

- a. The Chief of Police, or someone designated by him, shall attend upon the sessions of the court. They shall be subject to the orders of the court; shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by the judge.
- b. The Chief of Police and police officers shall also be invested with the same powers and duties as are provided for magistrates' constables.

(1976 SC Code §14-25-55)

(Editor's Note. Appeals from the Municipal Court are set forth in §14-25-95 et seq.)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25, of the 1976 South Carolina Code of Laws and the 1976 Campobello Code.

7.201. JURY COMMISSIONERS. COUNCIL MAY ACT.

- a. The Council shall appoint not less than three (3) nor more than five (5) persons to serve as Jury Commissioners.
- b. The Mayor and Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135)

(Editor's Note. This state statute requires the Mayor and Council to act as the commission, unless one is appointed.)

7.202. JURY BOX. COMPARTMENTS.

- a. The commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box.
- b. Such box shall contain two (2) compartments, designated as "A" and "B," respectively. (1976 SC Code §14-25-1 45)
- c. Compartment "A" shall contain a separate ballot or number for each name on the jury list. (1976 SC Code §14-25-155, as to c)
- d. Compartment "B" shall contain the names of jurors, following selection.
- e. When all names or numbers in Compartment "A" have been exhausted, the names or numbers shall be returned from Compartment "B" to compartment "A." Thereafter jurors shall continue to be drawn there from in the manner provided herein.

(1976 SC Code §14-25-175)

7.203. JURY LIST. COMPUTER GENERATED.

- a. A jury list shall be composed of all names on the official list of qualified electors of the town 'furnished to the town by the State Election Commission each year, or copied from the official voter registration list of the municipality.

(1976 SC Code §1 4-25-1 55)

- b. Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(1976 SC Code §14-25-170)

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS. ETC.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to §14-25-165, et seq, of the 1976 South Carolina Code of Laws.

(Editor's Note. In 1981, the General Assembly completely rewrote §14-25-165. Due to its length, it is referenced here to avoid lengthy repetition.)

7.205. REFUSAL TO APPEAR AS JUROR.

It shall be unlawful for any person to fail, refuse or neglect to appear before the Municipal Court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(1976 SC Code §14-25-1 85)

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five (5) days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.208. COMPENSATION.

Jurors shall be paid per session. Such fee shall be as set forth in the "Schedule of Rates and Fees" as shown on Exhibit I of this code.

ARTICLE III. PENALTIES AND FINES

7.301. MAXIMUM PENALTY.

Whenever the Municipal Judge shall find a party guilty of violating an ordinance, or a state law within the jurisdiction of his court, he may impose a fine or imprisonment, not to exceed five hundred (\$500.00) dollars or thirty (30) days, or both, plus assessments if applicable, unless otherwise provided in this Code.

(1976 SC Code 14-25-65)