



HENRY MCMASTER
ATTORNEY GENERAL

July 22, 2009

The Honorable Blake A. Norton
Chief Magistrate, Oconee County
208 Booker Drive
Walhalla, South Carolina 29691

Dear Magistrate Norton:

In a letter to this office you questioned whether municipal police officers who have no municipal court in which to prosecute their cases can bring such cases before any magistrate within their county even if the magistrate's office does not lie within their municipal limits.

S.C. Code Ann. § 14-25-5 states as follows:

- (a) The council of each municipality in this State may, by ordinance, establish a municipal court, which shall be a part of the unified judicial system of this State, for the trial and determination of all cases within its jurisdiction. The ordinance shall provide for the appointment of one or more full-time or part-time judges and the appointment of a clerk.
- (b) Any municipality establishing a municipal court pursuant to the provisions of this chapter shall provide facilities for the use of judicial officers in conducting trials and hearings and shall provide sufficient clerical and nonjudicial support personnel to assist the municipal judge.
- (c) Any municipality may prosecute any of its cases in any magistrate court in the county in which such municipality is situate upon approval by the governing body of the county. (emphasis added).

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or

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forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

A prior opinion of this office dated July 14, 1981 determined that consistent with Section 14-25-5 the Beaufort Township Magistrate could handle City of Beaufort cases through an agreement between the county and the city. However, the referenced portion of Section 14-25-5 does not appear to limit a municipality to just prosecuting cases in the magistrate's court that sits within the municipal limits. As stated, "[a]ny municipality may prosecute any of its cases in any magistrate court in the county in which such municipality is situate upon approval by the governing body of the county." Therefore, consistent with such, in the opinion of this office, municipal police officers who have no municipal court in which to prosecute their cases can bring such cases before any magistrate within their county upon approval of the governing body of the county even if the magistrate's office does not lie within their municipal limits.

With kind regards, I am,

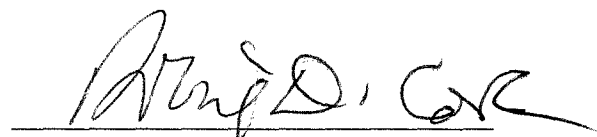
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:


Robert D. Cook
Deputy Attorney General