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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

May 7, 2002

Sergeant Doug Smith
Spartanburg County Sheriff's Office
P. O. Box 771
Spartanburg, South Carolina 29304

**Re: Your Letter of March 4, 2002
Pawn Shop Buy Back Program**

Dear Sergeant Smith:

In the above-referenced letter, you indicate that the Spartanburg County Sheriff's Office has enacted a program known as the "Pawn Shop Buy Back Program." In essence, this program provides for the reimbursing of pawn shops from which stolen property has been confiscated by the Sheriff's Office. The reimbursement is made from a fund which has been established specifically for this purpose. Given this background, you ask this Office if it is "... appropriate for a magistrate to order restitution to the program when the person charged is found guilty." You further state that the "restitution would be to replace the money that was used to pay the pawn shops when the property was recovered."

It appears as though your question is answered by S.C. Code Ann. §17-25-324. That Section provides, in pertinent part, as follows:

Secondary victims and third-party payees, excluding the offender's insurer, may receive restitution as determined by the court. The Department of Probation, Parole, and Pardon Services shall ensure that a primary victim shall receive his portion of a restitution order before any of the offender's payments are credited to a secondary victim or a third party payee, or both.

In the "Pawn Shop Buy Back Program," the Sheriff's Office would appear to be in the role of the "third-party payee." Therefore, Section 17-25-324 would authorize the court to provide for the Sheriff's Office to receive restitution.

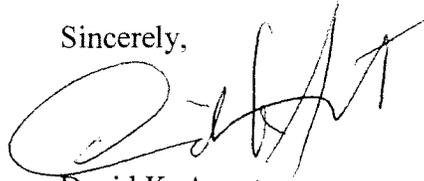
This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked.

Request Letter

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It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Avant", written over a large, stylized circular flourish.

David K. Avant
Assistant Attorney General

DKA/an