

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

February 18, 1992

Mark R. Elam, Esquire
Senior Counsel to the Governor
Office of the Governor
Post Office Box 11369
Columbia, South Carolina 29211

Dear Mr. Elam:

By your letter of February 13, 1992, you have asked for the opinion of this Office as to the constitutionality of S.1096, R-266, an act amending S.C. Code Ann. § 22-2-190(4) to revise magistrates' jury areas for Anderson County. For the reasons following, it is the opinion of this Office that the Act would likely pass constitutional muster.

In considering the constitutionality of an act of the General Assembly, it is presumed that the act is constitutional in all respects. Moreover, such an act will not be considered void unless its unconstitutionality is clear beyond any reasonable doubt. Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539 (1937); Townsend v. Richland County, 190 S.C. 270, 2 S.E.2d 777 (1939). All doubts of constitutionality are generally resolved in favor of constitutionality. While this Office may comment upon potential constitutional problems, it is solely within the province of the courts of this State to declare an act unconstitutional.

The act bearing ratification number 266 of 1992 would at first blush appear to be an act for a specific county, and thus violative of Article VIII, § 7 of the State Constitution. Closer examination of the act reveals that it deals with matters relative to the State's court system. For the

Mr. Elam
Page 2
February 18, 1992

reasons discussed in an opinion dated April 11, 1989 (copy enclosed), we are of the view that S.1096, R-266 would likely pass constitutional muster.

Based on the foregoing, we would advise that S.1096, R-266 would likely be constitutional.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions