

1981 WL 157775 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1981

\*1 Honorable Norman E. Fogle  
Solicitor  
First Judicial Circuit  
P. O. Box 1525  
Orangeburg, SC 29115

Dear Solicitor Fogle:

In a letter to this Office you questioned whether in a situation where an arrest warrant is issued in one county but endorsed and executed in another county, is the magistrate in the county where the subject is arrested authorized to set bail?

Enclosed please find a copy of a previous opinion of this Office dated September 22, 1977, which states that the endorsing magistrate in the county where the subject is arrested is authorized to admit the accused to bail. As to those various problems which you reference in your letter concerning the returnable date on a bond, processing a defendant, and considering any possible prior record, I can only suggest the following: (1) the endorsing magistrate should discover and reference the returnable date on the bond prior to releasing the defendant; (2) the defendant should have been processed and fingerprinted in the county of the endorsing magistrate and presumably these records could be transferred to the county where the warrant was issued; (3) the endorsing magistrate or the law enforcement officers should prior to releasing the defendant check to see if the defendant has a police record.

I have informed the South Carolina Court Administrator's office of these various problems and they have agreed to inform the magistrates of their responsibilities as outlined above. However, I can only further suggest that attempts be made to assure that the magistrates and law enforcement officers in the counties where the warrants are endorsed are informed of their duties as outlined above prior to an individual being released.

With best wishes.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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