

1979 WL 42927 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 16, 1979

\*1 The Honorable Edward M. Leppard  
Recorder  
Town of Chesterfield  
105 Green Street  
Chesterfield, South Carolina 29709

Dear Mr. Leppard:

In your letter of March 22, 1979, to this Office you referenced a question concerning [Section 14-25-970 of the 1976 Code of Laws](#) and the jurisdiction of municipal courts in criminal cases pursuant to such section. Please be advised that there is pending before the South Carolina Supreme Court a case in which certain questions are raised concerning the construction of such section and the jurisdiction of municipal courts pursuant to such section. The case is set to be heard in the May 1979 term of the Court and I would prefer to delay issuing any opinion pending the decision of the Court as to its interpretation of [Section 14-25-970](#). Therefore, unless you advise me that the matter is of extreme urgency, I will wait to respond to this particular question after reviewing the Court's opinion.

In your remaining question, you ask whether pursuant to [Section 23-23-70 of the 1976 Code of Laws](#), as amended, the amounts to be supplied for purposes of the law enforcement training program and the law enforcement hall of fame are to be added on to any fine imposed or be taken from any fine imposed. You asked further whether such fine with any such additional amounts could exceed the statutory limits for a particular criminal offense. Enclosed please find a previous opinion of this Office which stated in part:

. . . it is the opinion of this Office . . . that the amounts specified in the Act should be added to the fines and forfeitures, and collected from the defendants by the judicial officers imposing fines or ordering forfeitures of bond.

The opinion further stated that the added amount for the training program and for the hall of fame is 'not a part of the fine but is an amount levied above the fine or forfeiture.' As to your other question of whether the fine with any such additional amount assessed for the training program and hall of fame could exceed the statutory limits for a particular criminal offense, inasmuch as such amount is not a part of the fine but is an additional amount 'added to and levied above' the fine, the fact that the referenced amount may exceed the statutory limits for a particular offense would not, in the opinion of this Office, be improper.

With best wishes, I am

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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