

1972 S.C. Op. Atty. Gen. 109 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3296, 1972 WL 21433

Office of the Attorney General

State of South Carolina

Opinion No. 3296

April 5, 1972

*1 1. The use of County equipment and prisoners upon private school property is not permitted.

2. County equipment and prisoners may be used upon public school property.

County Attorney
Florence County

Thank you for your letter of March 30 requesting the opinion of this Office on the propriety of the use of County equipment and prisoners upon school property in Florence County.

This opinion is restricted to the use of equipment and prisoners upon public school property. The use thereof upon private school property is, in my opinion, not permitted.

While County funds may not be used for the upkeep, maintenance or improvement of privately owned property, it is my opinion that public equipment, including prisoners, may be used upon the public works or buildings of the County. See Section 55-451 relating to the use of chain gangs, which indicates the correctness of this conclusion.

Moreover, Section 14-4590, Code of Laws, 1962, Supp., comprising Section 9(11) of the original Act creating the County Council for Florence County, and precisely its duties, approved May 16, 1966, vests in the County Council the power “to regulate, control and provide for the construction, maintenance, operation and use of public streets, etc.—jail buildings, prison farms, and other public improvements and facilities.”

In my opinion, this is sufficient authority for the utilization of County equipment and prisoners upon the public school property of Florence County.

Daniel R. McLeod
Attorney General

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