

1972 WL 25318 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 19, 1972

*1 Honorable Manning Edwards
Route 3
Inman, South Carolina

Dear Judge Edwards:

This is in reply to your recent inquiry in which you asked if magistrates in Spartanburg County can issue warrants outside their districts and also if district magistrates are authorized to set bail if they did not issue the warrant. Section 43-1012.3 of the South Carolina Code of Laws, as amended by 1966 (54) 2090 provides for issuance of warrants of arrest in criminal cases throughout the county in Spartanburg. They would not, however, have jurisdiction to hear a case where the offense occurs outside their district.

In answer to your second question, ordinarily bond is set by the magistrate in whose jurisdiction the offense is committed. If the arrest is made in a jurisdiction other than that in which the offense occurred, the magistrate at the place of arrest may set bail. [State v. Rabens](#), 79 S.C. 542, 60 S.E. 442.

Very truly yours,

Charles A. Taylor, III
Assistant Attorney General

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