

1972 WL 25362 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 21, 1972

**\*1 Re: Act No. 346, Acts of 1971**

Honorable Giles P. Cleveland  
Member  
House of Representatives  
State House  
Columbia, South Carolina

Dear Representative Cleveland:

You inquire as to the validity of Act No. 346, Acts of 1971, providing that no member or officer of the General Assembly shall be required to appear in court as an attorney during a regular legislative day, special session day, or committee meeting day.

No constitutional provision is breached by the Act. In fact, the State Constitution itself makes provision for exemption of members of the General Assembly from arrest for certain crimes during sessions. This is a method used to insure the uninterrupted business of the General Assembly. (Article 3, Section 14, S. C. Constitution) Voters going to and from the polls, witnesses at Court, and militiamen going to and from duty enjoy a similar privilege.

Although these can be envisioned circumstances in which due process might be denied by erroneous application of Act 340, it is the opinion of this Office that the Act on its face is constitutional.

With reference to your second question, the constitutionality of an act of the General Assembly can be attacked only by a proper legal action in the courts.

Very truly yours,

Joseph C. Coleman  
Deputy Attorney General

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