



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

May 29, 1997

The Honorable Thomas H. Alexander  
Mayor, City of Bishopville  
P.O. Box 388  
Bishopville, South Carolina 29010

Re: Informal Opinion

Dear Mayor Alexander:

By your letter of May 7, 1997, you have requested this Office's opinion as to the constitutionality of a city's assessment of court costs for jury trials.

Enclosed for your review are three previous opinions of the Office that address questions analogous to your own. As you can see, in the Opinion dated September 15, 1986, we concluded that while we possessed no authority to declare a county ordinance which taxed certain defendants found guilty in magistrates' courts unconstitutional, such ordinance was thought to most probably contravene Article V of the South Carolina Constitution. Furthermore, the March 17, 1988 Opinion found that the practice of imposing by municipal or county ordinance costs in magistrates' courts beyond those authorized by state statute would violate Article V. Finally, in the Opinion dated March 31, 1988 we addressed the issue of whether a municipality could add a surcharge to all uniform traffic tickets resolved in the municipal courts. Citing the foregoing opinions as authority, we stated:

[c]onsistent with the above, it appears that an ordinance of a single municipality establishing an administrative penalty for controlled substance violations which would be used in investigation and prosecuting narcotics violations would be of doubtful

The Honorable Thomas H. Alexander  
May 29, 1997  
Page 2

constitutionality in light of the provisions  
of Article V of the State Constitution.  
However, only a court could make such a  
determination.

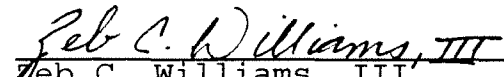
Based upon the foregoing wealth of authorities, I would advise  
that an ordinance imposing a court cost of \$150.00 when an  
individual is convicted by a jury trial appears to be doubtful  
constitutionally. I trust this information is responsive to your  
inquiry; however, if you have additional questions, please do not  
hesitate to contact me.

Sincerely,



Robert D. Cook  
Assistant Deputy Attorney General

Reviewed and Approved

  
Jeb C. Williams, III  
Deputy Attorney General

cc: David Bushyager, City Administrator (w/enclosures)