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The State of South Carolina



Office of the Attorney General

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June 22, 1993

The Honorable Lee R. Deese
Chief Magistrate, Lancaster County
P. O. Box 1809
Lancaster, South Carolina 29721

Dear Magistrate Deese:

In a letter to this Office you questioned whether a magistrate should be considered a state employee or a county employee.

Various State statutes comment on a county's responsibilities regarding magistrates. Pursuant to S.C. Code Section 22-8-30 counties are to provide "sufficient facilities and personnel for the necessary and proper operation of the magistrates' courts." S.C. Code Section 22-8-40 provides that counties are to designate magistrates as full-time or part-time. S.C. Code Section 22-1-10 states that counties are to designate the number of full-time and part-time magisterial positions and the compensation and work location of each magistrate in that county. Magistrates are paid by the counties pursuant to S.C. Code Section 22-8-40. Also, such provision further states that magistrates "are entitled to the same perquisites as those employees of the county of similar position and salary." Any redress of grievances by a magistrate regarding classification or compensation must be addressed to the county governing body. See: S.C. Code Section 22-8-50.

Referencing the above, while I am unaware of any statute precisely stating that magistrates are county employees, the various statutes outlined above provide strong indication that magistrates should probably be considered county employees.

Reavent Letter

The Honorable Lee R. Deese
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With kind regards, I am

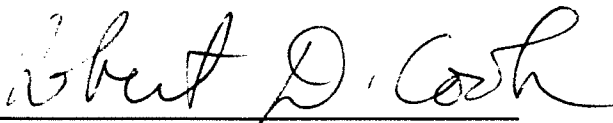
Very truly yours,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



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