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The State of South Carolina



Office of the Attorney General

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January 18, 1994

Honorable Betty L. Williams
Clerk of Court, Georgetown County
Post Office Box 1270
Georgetown, South Carolina 29440

Dear Ms. Williams:

You have requested the opinion of this Office as to time limits concerning the collection of fines, fees and restitution imposed by the Court of General Sessions. Collection of the fine does not appear to be limited in time in the absence of a statute. Cf. 22 CJS Criminal Law § 196; 24 CJS Criminal Law § 1569; 36A CJS Fines § 5; 54 CJS Limitation of Actions § 1. The statutory limitations on civil actions do not apply to fines assessed as a sentence in a criminal proceeding (see S.C. Code Ann. § 15-3-20, et seq. (1976)). Section 17-25-330 provides for executions for fines "...in the same manner as property is sold under execution in civil cases...." Whether this reference would incorporate 10-year limits on liens on real property due to civil judgments need not be addressed herein unless you have such a situation now. § 15-35-810. No other time limit appears to be applicable to fines.

The above authority demonstrates that no time limit exists on the collection of fines imposed by the Court of General Sessions. Cf. Ops. Att'y Gen. July 30, 1981, and No. 2279, May 22, 1967. This authority appears to support the same conclusion as to fees and restitution. Whether the 10-year real estate lien limitation would apply will not be addressed now unless you need such information. No time limitation on any of these matters appears in the Setoff Debt Collection Act. § 12-54-410, et seq. (Supp. 1992). Of course, schedules for payment of fines by indigents may apply if set up by the Court. § 17-25-350 (1976).

Request Letter

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I hope that this information will be of assistance to you.

Yours very truly,




J. Emory Smith, Jr.
Deputy Attorney General

JESjr:ppw

REVIEWED AND APPROVED BY:



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