



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

May 1, 1995

Joe Matlock, City Solicitor
Rock Hill Municipal Court
Post Office Box 10984
Rock Hill, South Carolina 29731-0984

Re: Request for Opinion Section 16-1-57 S.C. Code

Dear Mr. Matlock:

In a letter to this Office you referenced that pursuant to Act No. 7 of 1995, S.C. Code Ann. §16-1-57 (Supp. 1994) has been amended to read:

[a] person convicted of an offense for which the term of imprisonment is contingent upon the value of the property involved must, upon conviction for a third or subsequent offense, be punished as prescribed for a Class E felony.

Pursuant to S.C. Code Ann. §16-1-20(A)(5) (Supp. 1994), a person convicted of a Class E felony must be imprisoned for not more than ten years. A Class E felony is within the exclusive jurisdiction of the court of general sessions. See: S.C. Code Ann. §22-3-550 (Supp. 1994) (general limit of criminal jurisdiction of a magistrate's court to an offense where the fine does not exceed five hundred dollars or the term of imprisonment does not exceed thirty days); South Carolina Constitution Article I, Section II (authorizes specific grant of jurisdiction to a magistrate's court for specific offenses).

S.C. Code Ann. §16-13-110(B)(1) (Supp. 1994) provides that a defendant convicted of shoplifting where the value of the shoplifted merchandise is one thousand dollars or less is guilty of a misdemeanor. By such provision, such misdemeanor is within the jurisdiction of a magistrate's court. Pursuant to S.C. Code Ann.

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§14-25-45 (Supp. 1964) a municipal court has ". . . all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates."

You questioned whether the change provided by §16-1-57 as amended applies to shoplifting cases formerly within the municipal court's jurisdiction. If so, does the jurisdiction of shoplifting, third offense or subsequent, now revert to general sessions court regardless of the dollar amount.

Pursuant to the provisions of §16-1-57 set forth above, an individual arrested for third offense or subsequent shoplifting would be tried in the general sessions court regardless of the dollar amount of the goods taken. Upon conviction, the defendant would be sentenced pursuant to §16-1-20(A).

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General, nor officially published in the manner of a formal opinion.

If there are any questions, please advise.

With kind regards, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/fg