

# The State of South Carolina



## Office of the Attorney General

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October 2, 1991

R. L. McCurdy, Staff Attorney  
South Carolina Court Administration  
P. O. Box 50447  
Columbia, South Carolina 29250

Dear Mr. McCurdy:

In a letter to this Office you referenced the provision of recently-enacted Act No. 112 of 1991 which amended Section 34-11-60 of the Code by adding subsection (e). Such provision states:

No warrant for a violation of this section may be obtained more than one hundred eighty days after the date the check was uttered.

You asked whether the referenced time limitation applies to checks written prior to effective date of legislation or only to checks written subsequent to May 31, 1991.

Section 34-11-60(e) establishes a statute of limitations for fraudulent check offenses by prohibiting the issuance of a warrant more than 180 days after the date the check was given. It is generally stated that

Unless statutes of limitation are clearly retro-spective in their terms they do not apply to crimes previously committed.

22 C.J.S. Criminal Law, Section 197 p. 242. Consistent with such, it appears that the 180 day time limitation for initiating a fraudulent check case would be inapplicable to checks written prior to the effective date of such legislation.

Mr. McCurdy  
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With kind regards, I am

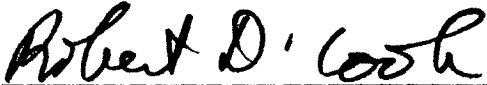
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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