

The State of South Carolina

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February 27, 1990

Mr. Charles V. B. Cushman, III
City Attorney
Post Office Box 39
Camden, South Carolina 29020

Dear Mr. Cushman:

In a letter to this Office you questioned the legality of a municipal judge sentencing a minor to work detail or public service work in lieu of fines or imprisonment.

Pursuant to Section 20-7-410 of the Code, magistrate and municipal courts have concurrent jurisdiction with the family courts as to juveniles under seventeen years of age who are charged with traffic violations or provisions of Title 50 of the Code dealing with fish, game or watercraft "...when these courts would have jurisdiction of the offense charged if committed by an adult." Generally, magistrates and municipal courts can impose sentences not exceeding a fine of two hundred (\$200.00) dollars or imprisonment for thirty (30) days on individuals found guilty in such courts. See: Sections 22-3-550 and 14-25-65 of the Code. By Section 14-25-45 of the Code, municipal courts have "...all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates." However, as to juveniles, magistrates and municipal judges have no authority to commit juveniles under seventeen years of age to a correctional facility. As expressed in a memorandum from the State Court Administration Office dated January 8, 1982, "...a child under the age of seventeen years may be committed only to the Board of Youth Services, and only by order of a circuit or family court judge." The memorandum noted that Section 24-15-510 of the Code which had authorized magistrates and municipal court judges to sentence these youths to county or municipal jails had been repealed. Pursuant to Section 20-7-2170, family and circuit courts are authorized to commit an individual under seventeen years of age to the Board of Youth Services.

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sentence of a fine imposed on a juvenile subject, of course, to the referenced minimum sentence requirements. It should be noted, however, that the juvenile could pay the original fine and thereby avoid the conditions of a suspended sentence. I am unaware of any separate authority for municipal judges or magistrates to impose work details or public service work on a juvenile.

With best wishes, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/mwr

REVIEWED AND APPROVED BY:



Robert D. Cook
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