

The State of South Carolina



Office of the Attorney General

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June 4, 1991

The Honorable J. Ed Horton, Sr.
Chief Magistrate, Anderson County
Post Office Box 828
Belton, South Carolina 29627

Dear Magistrate Horton:

In a letter to this Office you questioned whether an individual charged with violation of probation may be released on bond by posting with the clerk of court cash in the amount of ten percent of the bond set. Such a bond scheme is authorized generally pursuant to §17-15-15 of the Code.

Pursuant to §24-21-450 of the Code

...any person arrested for the violation of the terms of probation shall be entitled to be released on bond pending a hearing, and such bond shall be granted and the amount thereof determined by a magistrate...

Such provision does not specifically restrict the type bond that may be set in such circumstances.

I was informed by an attorney with the State Department of Probation, Parole and Pardon Services that a magistrate, in determining a bond in a probation violation case, may make the same considerations as in any other bond setting. Therefore any

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authorized bond scheme, including permitting the deposit in cash of ten percent of the bond set, would be within the magistrate's discretion in a probation violation case.

With kind regards, I am

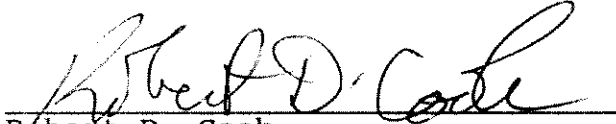
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/klw

REVIEWED AND APPROVED BY:



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