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The State of South Carolina



Office of the Attorney General

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November 17, 1992

Gregory D. DeLoach, Esquire
Director of Legal Services
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, South Carolina 29928

Dear Mr. DeLoach:

In a letter to this Office you questioned whether there are any legal impediments which would prohibit the Town of Hilton Head from requiring that the Beaufort County Sheriff's Department initiate all of its criminal cases which occur within the corporate limits of the Town in the newly established municipal court. In the past such cases were prosecuted in the magistrate's court. You stated that such requirement will be a part of the law enforcement services agreement between the Town and Sheriff's Department.

I am unaware of any statutory prohibition to such a contractual arrangement. Pursuant to S.C. Code Ann. § 14-25-45 municipal courts have concurrent jurisdiction with the magistrates' courts for criminal matters. It is my understanding that cases made by a sheriff's department are typically prosecuted in the magistrate's court partly because any revenue from fines is payable to the county. See: S.C. Code Ann. § 22-1-70. Fines collected by a municipal court are turned over to the municipal treasurer. See: S.C. Code Ann. § 14-25-85. Such basis for distribution of fines, while typically resulting in a sheriff's department prosecuting cases in the magistrate's court, would not appear to prohibit the sheriff from prosecuting cases in a municipal court where such is pursuant to a contractual arrangement.

Mr. DeLoach
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You may wish to contact the State Court Administration office for their review in light of any possible administrative rules or orders that may be relevant.

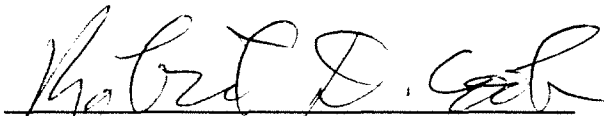
Sincerely,

A handwritten signature in cursive script, appearing to read "Charles H. Richardson", followed by a horizontal line.

Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:

A handwritten signature in cursive script, appearing to read "Robert D. Cook", written over a horizontal line.

Robert D. Cook
Executive Assistant for Opinions