

The State of South Carolina



Office of the Attorney General

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April 30, 1991

Larry C. Batson, Esquire
Legal Advisor
SC Department of Corrections
P. O. Box 21787
Columbia, SC 29221-1787

Dear Larry:

You have requested an opinion whether the Department of Corrections is authorized by law to refuse to accept prisoners committed by the several counties.

Section 24-3-20, 1976 Code of Laws of South Carolina, provides in pertinent part that "any person convicted of an offense against the State of South Carolina . . . shall be in the custody of the Board of Corrections . . ." Section 24-3-30 is similar, with certain exceptions not here relevant. There is no indication that the Department of Corrections is granted any discretion to refuse to accept prisoners; indeed, it would appear that in using the word "shall," the General Assembly intended that the Department should be required to accept all prisoners duly sentenced. It is my understanding that this is the interpretation which these statutes have long been given by the Department of Corrections and that it is your advice as well.

For the foregoing reasons, it is the opinion of this Office that the Department of Corrections has no authority to refuse to accept prisoners whose sentences are in the categories which require that they be committed to the Department of Corrections.

Sincerely yours,

A handwritten signature in black ink, appearing to be "K.P. Woodington".

Kenneth P. Woodington
Senior Assistant Attorney General

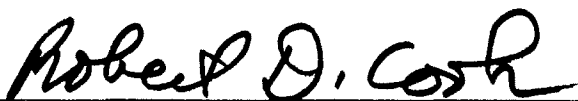
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REVIEWED AND APPROVED



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