

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

March 26, 1991

George A. Markert, Assistant Director
South Carolina Court Administration
P. O. Box 50447
Columbia, South Carolina 29250

Dear Mr. Markert:

In a letter to this Office you referenced that until 1989, the General Assembly had provided for a number of "special magistrates" in Greenville County. See, e.g., Sections 1 of Act No. 837 of 1970, Act No. 765 of 1978, Act No. 607 of 1980, and Act No. 771 of 1988. Pursuant to Sections 2 and 3 of Act No. 837 a special magistrate was limited to criminal jurisdiction with designated powers and authority which did not include trial authority. As you stated, pursuant to Act No. 40 of 1989, the number of jury areas as well as the number of magistrates in Greenville County was reduced. The legislation specifically amended Section 1 of Act No. 765, which provided for four special magistrates for Greenville County, to read:

The magistrates for Greenville County are assigned as follows: one for Greenville County Jury Area No. 1 for Cleveland Township; three for Greenville County Jury Area No. 2, including two for the City of Greenville and one for West Greenville; two for Greenville County Jury Area No. 3, including one for the Town of Greer, and one for Chick Springs Township; three for Greenville County Jury Area No. 4, including one for Piedmont-South Greenville Township, one for the Austin-Fairview Township, and one for Gantt Township. In addition to the above magistrates there are six part-time magistrates for Greenville County, four of whom must be selected from the county at large, one of whom must be selected from the Town of Travelers Rest, and one of whom must be selected from the Saluda,

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Glassy Mountain, O'Neal, or Highlands Townships. These part-time magistrates shall serve in and draw jurors from those jury areas as assigned from time to time by the Chief Magistrate for administration of the county.

As set forth, no reference is made to any magistrates being designated as special magistrates. You also commented that Governor Campbell in a letter noting his appointments of magistrates in Greenville County made no distinction that any individual was being appointed as a "special magistrate". You have asked whether the magistrates formerly classified as "special magistrates" now have full magisterial jurisdiction.

Inasmuch as Act No. 40 in authorizing the number of magistrates for Greenville County makes no reference to any of the magistrates being "special magistrates", it appears that all magistrates for Greenville County should be considered as having full magisterial jurisdiction. Further support for this conclusion is the lack of such a distinction in the appointments by the Governor.

With kind regards, I am

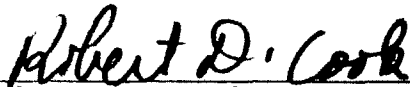
Very truly yours,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions