

The State of South Carolina



Office of the Attorney General

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April 20, 1989

R. Powell Black, Town Advisor
Town of Jefferson
Jefferson, South Carolina 29718

Dear Mr. Black:

In a letter to this Office you referenced that pursuant to Section 14-25-65 of the Code

(w)henever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of such court he may impose a fine or imprisonment, or both, not to exceed two hundred dollars or thirty days. (emphasis added.)

You have questioned whether pursuant to such provision a municipal judge can impose a fine in any amount up to two hundred (\$200.00) dollars or must the municipal judge fine two hundred (\$200.00) dollars in all instances where there is a violation of a municipal ordinance or a state law within his jurisdiction.

The jurisdiction of a municipal court judge is similar to that of magistrates in this State. Pursuant to Section 22-3-550 of the Code

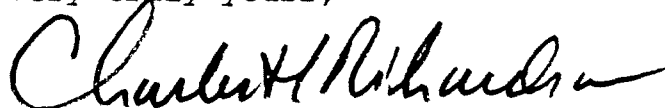
(m)agistrates shall have jurisdiction of all offenses which may be subject to the penalties of either fine or forfeiture not exceeding two hundred dollars or imprisonment in the jail or workhouse not exceeding thirty days and may impose any sentence within those limits, singly or in the alternative.

Mr. Black
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As indicated, magistrates may impose any sentence within the maximum limits of two hundred (\$200.00) dollars or thirty (30) days for an offense within their jurisdiction. Therefore, consistent with the provisions of Section 14-25-65, a municipal judge may impose a sentence of a fine in any amount as long as it does not exceed the two hundred (\$200.00) dollar maximum specified by the provision. Of course, where there is a minimum sentence prescribed, the municipal judge is not authorized to impose a lesser sentence.

With best wishes, I am

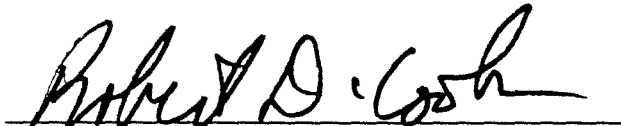
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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