

The State of South Carolina



Office of the Attorney General

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February 5, 1986

L. L. Henderson, Sheriff
County of Newberry
Post Office Box 247
Newberry, South Carolina 29108

Dear Sheriff Henderson:

In a letter to this Office you referenced that a special act of the Legislature enacted in 1981, R253, provided a special fee schedule for the Newberry County Sheriff's Department. You indicated that pursuant to such, the Department has charged and collected a mileage fee when serving civil process. You have questioned whether newly-enacted Section 23-19-10 of the Code which provides a comprehensive fee schedule for sheriffs repeals the above referenced special act for Newberry County.

Enclosed please find a copy of a previous opinion of this Office dated August 30, 1985 which provides that Section 23-19-10 should be construed as being applicable to all counties in this State. Therefore, special acts such as R253 should be considered to have been repealed. As a result, any fees or costs provided by such special act should no longer be collected.

You also asked whether the Newberry County Sheriff is required to turn over to the County any fees and commissions collected pursuant to Section 23-19-10. As provided in subsection (f)

"all monies collected under this section shall be deposited into the treasury of that county employing the sheriff collecting those monies."


As stated, all such fees and commissions collected pursuant to Section 23-19-10 should be turned over to the County. I am also

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enclosing a copy of a prior opinion dated September 4, 1985
dealing with the question you have raised.

If there is anything further, please advise.

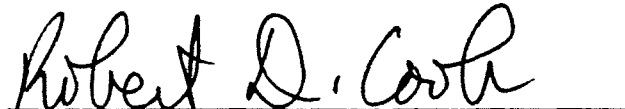
Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/an

Enclosures

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions