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The State of South Carolina

OPINION NO. 85-47 pg 144



Office of the Attorney General

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April 29, 1985

Mr. Larry Powers
Administrator, Spartanburg County Jail
Spartanburg County Courthouse
Spartanburg, South Carolina 29301

Re: Request Concerning Eligibility for
Good Behavior Credits When Sentenced
to Service of a Certain Number of Nights
Incarceration in a Local Detention Center

Dear Mr. Powers:

You have requested by telephone an opinion of this office on the applicability of § 24-13-210, S.C. CODE ANN. (1984 Supp.), "good behavior credits" to individuals sentenced to your facility by a circuit judge to incarceration for a specified number of nights at eight hours each. I have spoken with Larry C. Batson, Legal Advisor of the South Carolina Department of Corrections, and reviewed the applicable law. It is my conclusion that § 24-13-210 "good behavior credits" does apply to "each prisoner convicted of an offense against this State and confined in the facilities of the Department of Corrections or in a county jail or upon the public works of any county in this State for a term of less than one year ..." § 24-13-210(b), S.C. CODE ANN. (1984 Supp.). This provision clearly must include sentenced to "nighttime" or "weekend" service of their sentence pursuant to South Carolina law.

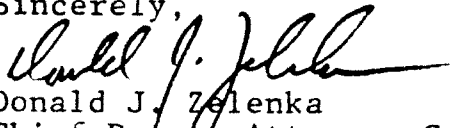
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South Carolina law provides for good behavior credits to an individual sentenced to one year or less if he has faithfully observed all the rules of the institution and has not been subjected to punishment for misbehavior "beginning with the day on which the service of his sentence commences to run, computed at a rate of fifteen days for each month served." § 24-13-210(b), S.C. CODE ANN. Our office has previously opined that before an inmate earned the statutory credits the service of one month (30 days) had to be completed. See: 1967 OPS.ATTY.GEN. No. 2269, dated May 1, 1967.

As you have experienced, many courts are sentencing individuals to weekend or nighttime service of sentences of eight to twelve hours for a number of weekends. See: § 56-5-294, S.C. CODE ANN. (1976). Before good behavior credit is statutorily allowed, the inmate must have served the equivalent of one month which is 720 hours (30 days of 24 hours). Therefore, if the inmate was sentenced to complete his service at eight-hour intervals, he would have to serve 90 separate intervals before he was statutorily eligible to receive good behavior credits. At that time, he would receive the fifteen-day credit for a month served.

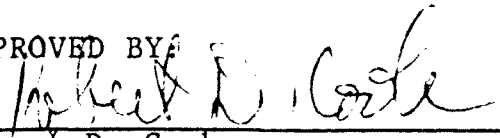
I urge you to follow closely pending legislation in the General Assembly that would revise how good behavior credits are determined. Some of the legislation would give "one day credit for every two days served" which most likely would accumulate these good behavior credits earlier. If you have any further questions, please contact me.

Sincerely,


Donald J. Zelenka
Chief Deputy Attorney General

bbb

APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions

cc: Larry C. Batson, Esquire
David E. Belding, Esquire
Mr. Jeffrey B. Moore