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The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

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COLUMBIA, S.C. 29211
TELEPHONE 803-758-3970

July 2, 1985

Motte L. Talley, Esquire
Staff Attorney
South Carolina Court Administration
Post Office Box 50447
Columbia, South Carolina 29250

Dear Mr. Talley:

You have inquired as to the effective date of the provisions of the recent bail bond legislation, R287, as to bail bondsmen in this State. Section 2 of the legislation provides:

"(t)his chapter shall take effect upon approval by the Governor, except no bail bondsman or runner is required to be licensed under the provisions of this chapter until two hundred seventy days after approval by the Governor."

This opinion is limited to a construction of provisions of the legislation dealing with the licensing of bail bondsmen and the requirements applicable to bondsmen as they become licensed.

In the opinion of this Office, the provisions of the referenced legislation become applicable to individual bondsmen as they become licensed and to any individuals acting as bondsmen two hundred seventy days after the legislation was approved by the Governor. Such construction is supported by the fact that the legislation states that the term "bail bondsman" as used

"... means a surety bondsman, professional bondsman, or an accommodation bondsman as defined in this chapter." Section 38-63-10 (c).

Continuation Sheet Number 2
To: Motte L. Talley, Esquire
July 2, 1985

The terms "professional bondsman" and "surety bondsman" are further defined as referencing individuals licensed under the provisions of such legislation. See: Section 38-63-10 (i) and (1).

However, inasmuch as the State Insurance Commissioner is given authority to implement the legislation, i.e., promulgate regulations (Section 38-63-20), receive applications and investigate individuals applying for licenses (Sections 38-63-80 and 38-63-100), test individuals applying for licenses, (Section 38-63-140), and, of course, license such individuals, the legislation should be considered effective as to the Insurance Commissioner as of the date the legislation was approved by the Governor as stated above. The two hundred seventy day period was established for the Insurance Commissioner to carry out his responsibilities as set forth above.

If there are any questions concerning the above, please contact me.

Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions

The State of South Carolina



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July 8, 1985

The Honorable Ulysses Frieson
Magistrate, Florence County
City-County Complex
Florence, SC 29501

Dear Magistrate Frieson:

In a letter to this Office you questioned whether a wife may charge her husband with criminal sexual conduct.

Section 16-3-658 of the Code states:

"(a) person cannot be guilty of criminal sexual conduct under §§ 16-3-651 to 16-3-659.1 if the victim is his legal spouse, unless the couple are living apart, by reason of court order, and the actor's conduct constitutes criminal sexual conduct in the first degree or second degree as defined by §§ 16-3-652 and 16-3-653.

Therefore, consistent with such provision, the General Assembly has mandated that a husband could not be charged with criminal sexual conduct unless the conditions specifically set forth as stated in Section 16-3-658 are applicable.

If there is anything further, please advise.

Sincerely,
Charles H. Richardson
Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:

Robert D. Cook
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Executive Assistant for Opinions