

1983 WL 181757 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1983

*1 The Honorable J. P. Strom
Chief
S. C. Law Enforcement Division
P. O. Box 21398
Columbia, SC 29221

Dear Chief Strom:

In a letter to this Office you raised a question relating to the payment of the \$50.00 fee required by certain proposed legislation, Bill H.2193, a copy of which you enclosed with your letter, which amends [§ 23-1-65, Code of Laws of South Carolina](#), 1976. Pursuant to such,

‘Commencing January 1, 1983, when making application for appointment, a nonrefundable fee of fifty dollars is required of all state constables appointed pursuant to the provisions of Section 23-1-60. Thereafter a fee of fifty dollars must be paid with each renewal application.’

You questioned whether or not an individual who has an application on file, was denied a commission, and later asked for reconsideration or reinvestigation, would be required to pay the \$50.00 fee again.

In a telephone conversation with Ms. Pat Murphy of your office, it was indicated that in requesting a commission, an individual is required to complete a lengthy application form. Once an application form is supplied with the initial application, typically, an individual, whose application was refused but who later asks for reconsideration, is not asked to complete another form. However, if any particular circumstances have changed, such are made known to SLED either verbally or in writing along with the subsequent requests for a commission. Furthermore, it was indicated that some of the requests for reconsideration come in immediately after a request is rejected while some individuals may wait several months before doing so.

As I indicated to Ms. Murphy, the proposed language, as referenced, uses the wording ‘when making application.’ To avoid any uncertainty as to when to charge the fee, it appears that the better practice would be to require an individual, whose previous request to receive a commission was refused and who requests a reconsideration, to formally reapply as he did when making an initial application.

However, if such reapplication appears to be impractical in certain situations, the matter of charging the \$50.00 fee would be an administrative decision to be made by your staff. The only criteria I can suggest is that if the reconsideration is based upon circumstances and facts previously known, no fee should be charged. However, if new information and circumstances are outlined in such request for reconsideration, and such facts would require investigation, consideration be given to charging the fee.

If there is anything further, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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