

1981 WL 158154 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 19, 1981

*1 Mr. Gary T. Pope
Newberry County Attorney
Post Office Box 156
Newberry, South Carolina 29108

Dear Mr. Pope:

You have requested the opinion of this office as to the proper obligee on bonds to which Newberry County deputy sheriffs are parties. Your question arises, in part, from the fact that [Section 8-3-30 of the Code of Laws of South Carolina \(1976\)](#) prescribes a form for bonds of officers which makes the State of South Carolina the obligee while [§ 23-13-20 of the Code](#) directs that deputy sheriffs enter bonds which are payable 'to the count[ies] and to any person.'

[Section 23-13-20](#) is controlling in this matter as it specifically deals with the subject of bonds for deputy sheriffs, whereas [§ 8-3-30](#) applies only generally to persons elected or appointed to offices for which bonds are required. See Sutherland Statutory Construction, Vol. 2A, § 51.05. Thus, the opinion of this office is that the bonds for the deputies should comply with the terms of this statute by being made payable to Newberry County and to any person damaged by the deputies' malfeasance or abuse of discretion.

If this office may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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