

1981 WL 158239 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 21, 1981

*1 Michael P. O'Connell, Esquire
Charleston County Public Defender
115 Church Street
Charleston, South Carolina 29401

Dear Mr. O'Connell:

In a letter to this Office you requested an opinion as to the legality of Charleston County collecting an administrative fee from each client that the Charleston County Public Defender's Office represents. You indicated that you wished to propose to the County Council that the screening process for indigency be conducted by a Charleston County employee and that such employee collect an administrative fee from each client referred to the Public Defender's Office. You further indicated that such fee would go to the County and not be received directly by your office.

A review of the State statutes, namely [Section 17-3-10, et seq., Code of Laws of South Carolina, 1976](#), as amended, and the Rules of the Court concerning the defense of indigents, reveals no authority for the collection of an administrative fee from each client that the Charleston County Public Defender's Office represents. Therefore, in the opinion of this Office, such a fee may not be charged. In addition to the fact that there is no authority for such a fee, your proposal that such fees be paid to the County appears to be in conflict with certain statutory provisions detailing where authorized funds collected from indigents are to be paid. Such statutes, namely Sections 17-3-30 and 17-3-40, *supra*, indicate that funds permitted to be collected from an individual determined to be indigent, to whom counsel has been provided, are required to be paid not to a particular county but to the State.

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

Sincerely,

Charles H. Richardson
Assistant Attorney General

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