

1981 WL 157774 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1981

*1 Hoyt J. Martin
Magistrate, Greenville County
25 Farmington Road
Greenville, S.C. 29605

Dear Magistrate Martin:

In a letter to this Office you questioned whether a magistrate should forward the case concerning an individual, who is under seventeen years of age and is charged with a traffic offense that would be within the jurisdiction of the general sessions court if the individual were an adult, to the general sessions court or the family court for disposition.

[Section 14-21-515, Code of Laws of South Carolina, 1976](#), as amended, provides:

‘(n)otwithstanding any other provisions of this article, the magistrate courts, municipal courts and circuit courts of this State shall have concurrent jurisdiction with the family courts for the trial of persons under seventeen years of age charged with traffic violations when such courts would have jurisdiction of the offense charged if committed by an adult.’

Referencing such provision, in the opinion of this Office, the decision as to which court, general sessions or family, is to consider a case concerning a juvenile in the above-referenced circumstances, is a matter for resolution by the State. Therefore, as magistrate, you should generally consult the Solicitor for his decision as to where such a case involving a juvenile should be forwarded for disposition. The Solicitor may wish to make such a determination on a case-by-case basis or he may indicate that such discretion should be given to the arresting officer. I would recommend that you consult the Solicitor as to how he desires such cases to be handled generally.

If there are any questions please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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