

1981 WL 157895 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 4, 1981

***1 RE: Prison Reform Act of 1981—Earned Work Credits**

Larry C. Batson, Esquire
Legal Advisor
S. C. Department of Corrections
P. O. Box 21787
Columbia, S. C. 29221

Dear Larry:

You have inquired as to the effect of the Prison Reform Act (P.R.A.) on the Department's awarding of earned work credits. As I understand your questions, you need to know: (1) Whether prisoners serving time for armed robbery and serving life sentences are now eligible for earned work credits as a deduction against parole eligibility, and (2) whether the amendments in the P.R.A. should be applied prospectively or retrospectively.

As you are aware, parole eligibility is determined by reference to [Section 24-21-610, South Carolina Code of Laws, 1976](#). As a general rule, parole eligibility presently depends upon service of one-third of the sentence. The enactment also provided that no credit be given for statutory good time, and no mention was made of earned work credits counting toward eligibility. Earned work credits are provided by Section 24-13-230. The section provides that no prisoner serving a life sentence shall be entitled to credit, and Section 24-21-635 provides that earned work credits be counted toward parole eligibility with the express exception that no prisoner convicted of armed robbery be entitled to earned work credits against parole eligibility.

The P.R.A. does make several changes in the present statutory scheme. Specifically, [Section 24-21-610](#) has been amended to provide that:

... after June 30, 1981, there shall be deductions of time in all cases for earned work credits, notwithstanding the provisions of 16-3-20, Section 16-11-330 and Section 24-13-230.

The amendment plainly provides that earned work credits be given all prisoners, including those convicted of armed robbery and those inmates serving life sentences. Further, Section 24-21-635 was amended by the P.R.A. to provide that all prisoners be given benefit of earned work credits awarded pursuant to Section 24-13-230.

It is my opinion that under the P.R.A. all prisoners are entitled to earned work credits awarded under Section 24-13-230. The earned work credits shall constitute deductions of time to be served for parole eligibility in all cases.

You have also inquired whether the provisions of the P.R.A. are to be applied prospectively or given retrospective effect. I believe that the former effect, prospective application, is appropriate here.

Retrospective application of statutes is generally disfavored, and there is generally a presumption that a statute operates prospectively. Unless the contrary clearly appears, a statute should be construed as prospective. 82 [C.J.S.](#) 'Statutes' § 415, pp.990-991. That presumption applies to remedial statutes such as the provisions of the P.R.A., 83 [C.J.S.](#) 'Statutes', § 416, p.992, although the presumption is not so strong with remedial statutes.

The question is resolved here by reference to [§ 24-21-610](#). In the amendment the Legislature expressly provided that 'after June 30, 1980, there shall be deductions in all cases . . .' Inasmuch as the legislative intention is plainly expressed in the amendment, deductions for earned work credits under the P.R.A. should be credited as of July 1, 1981, to all inmates confined in the Department of Corrections. The awarding of earned work credits for those inmates convicted of armed robbery or serving a life sentence should begin as of July 1, 1981.

*2 I hope this answers your questions. Please feel free to contact me if you have any questions.

Kindest personal regards.

Very truly yours,

William K. Moore
Assistant Attorney General

1981 WL 157895 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.