

1981 WL 157955 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 8, 1981

*1 The Honorable Jack N. Weatherly
Sheriff
Marlboro County Sheriff's Office
Bennettsville, South Carolina 29512

Dear Sheriff Weatherly:

Your letter of August 28, 1981, concerning distribution of fines pursuant to Section 44-53-370(d)(3), has been referred to me for reply.

It is the opinion of this office that any fine over One Hundred Dollars (\$100.00) for a first offense or over Two Hundred Dollars (\$200.00) for a second or subsequent offense is not to be distributed to any law enforcement agency, but rather, according to the language of Section 44-53-370(d)(3), to ‘. . . the unit of government whose law enforcement officers initiated the investigation which resulted in the conviction’ (emphasis added). In the case of an investigation initiated by the Marlboro County Sheriff's Department, it would appear that any such money must be distributed to the Marlboro County government rather than to the Sheriff's Department.

Further the provisions of 44-53-370(d)(3) dealing with the distribution of fines does apply to fines imposed in General Sessions Court, but only for second or subsequent offenses, as a first offense under this section is within the jurisdiction of the Magistrate's Court.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

John M. Barton
Assistant Attorney General

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