

1982 WL 189430 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 17, 1982

*1 The Honorable T. Moffatt Burriss
Member
House of Representatives
Labor, Commerce and Industry Committee
503A Blatt Building
Columbia, S. C. 29211

Dear Representative Burriss:

In a letter to this office you questioned the jurisdiction of a magistrate as to a bad check issued by a tenant to a landlord. As you indicate in your letter, pursuant to [Section 34-11-90 of the 1976 Code](#) of Laws, as amended, if the amount of a bad check is two hundred dollars or less it shall be tried exclusively in a magistrate's court. Cases involving bad checks in excess of such amount are to be tried in general sessions court. [Section 22-3-10\(10\) of the 1976 Code](#) of Laws, as amended, provides that generally magistrates have civil jurisdiction over all matters between landlords and tenants. You also referenced that you interpreted a previous opinion of this office, 1975 Opinion of the Attorney General No. 4075 p. 151, as providing that pursuant to the section now codified as [Section 22-3-10\(10\)](#), magistrates have criminal jurisdiction as to bad checks given by a tenant to a landlord which exceed two hundred dollars.

I am enclosing a copy of the opinion referenced above. However, such opinion only provides that there is no monetary jurisdictional limit as to civil actions involving landlords and tenants brought in a magistrate's court. The opinion makes no reference to a criminal case involving a bad check. As referenced above, [Section 22-3-10](#) provides for the civil jurisdiction of a magistrate's court. Section 34-11-90 provides for the criminal jurisdiction of a magistrate's court as to a bad check. Therefore, as to your particular question, a magistrate would only have criminal jurisdiction of a bad check case involving a landlord and tenant if the amount of the check is two hundred dollars or less.

If there is anything further, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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