

1982 WL 189446 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 27, 1982

\*1 The Honorable J. P. Strom

Chief

State of South Carolina Law Enforcement Division

P. O. Box 21398

Columbia, S. C. 29221

Dear Chief Strom:

In a letter to this office you referenced [Section 23-1-65, Code of Laws of South Carolina](#), 1976, as amended, which provides as follows:

‘(A) commencing January 1, 1983, when making application for appointment, a nonrefundable fee of fifty dollars shall be required of all state constables appointed without additional compensation pursuant to the provisions of Section 23-1-60. Thereafter a fee of fifty dollars shall be paid with each renewal application.’

Subsection (B) provides for the method of payment of such fee. You questioned whether or not all constables are required to pay this fee or if constables employed in a law enforcement capacity such as state, city, or county security officers are exempt from the fee.

As is apparent, the above-referenced provision fails to distinguish between any individuals appointed pursuant to the provisions of Section 23-1-60, supra. No distinction is made as to any constables regardless of how this commission is utilized. It has been determined by the South Carolina Supreme Court that:

‘. . . if the legislative intent is expressed in clear and unambiguous language, there is no room for construction . . .’ [Lewis v. Gaddy](#), 254 S.C. 66 at 71, 173 S.E. 2d 376 (1970).

Therefore, in response to your question, it would appear that all constables appointed without additional compensation pursuant to Section 23-1-60, supra, must pay the required fee beginning January 1, 1983 when making application for appointment. If there is anything further, please advise.

Sincerely,

Charles H. Richardson

Assistant Attorney General

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