

1980 WL 120719 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1980

\*1 Deborah C. Westbrook, Esquire  
Assistant County Attorney  
County Courthouse  
Greenville, South Carolina 29601

Dear Ms. Westbrook:

This is to acknowledge receipt of your letter dated June 12, 1980, which has been forwarded to me for reply. You have requested the opinion of this Office as to whether or not there has been any change in the laws with respect to good conduct credit where a prisoner has a sentence of thirty (30) days or less. This Office in 1967 issued an opinion stating that a prisoner with a thirty (30) day sentence or less would not be entitled to good behavior credits. 1966-67 Ops. Atty. Gen., No. 2269, page 80.

There has been no change in the law. Section 55-8(1) of the 1962 Code and [Section 24-13-210\(1\) of the 1976 Code](#) are identical in so far as the operative language is concerned. The language is as follows:

. . . shall be entitled to a deduction from the term of his sentence, beginning with the day on which the service of sentence commences to run, to be computed at the rate of fifteen days for each month served.

As you can see the language requires a prisoner to serve thirty (30) days before he becomes entitled to fifteen (15) days credit. A prisoner who has only a thirty (30) day sentence, therefore, would never be able to enjoy the benefits of the fifteen (15) day good conduct credit since he is entitled to be released on the thirtieth day which is also the day he first becomes entitled to credit.

I hope this has been of some assistance to you and if there is anything further, please do not hesitate to let me know.

Very truly yours,

Emmet H. Clair  
Deputy Attorney General

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