

1980 WL 120973 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 18, 1980

*1 Honorable Thomas P. Lowndes, Jr.
Judge
Municipal Court
Town of Mt. Pleasant
Mt. Pleasant, SC 29464

Dear Judge Lowndes:

In a letter to this Office you questioned whether a municipal court has jurisdiction to try a criminal fraudulent check case in a situation where the municipal governing body of the municipality in which the court is located has not acted pursuant to [Section 34-11-90, Code of Laws of South Carolina, 1976](#), as amended, to authorize such. You indicated that it has been asserted that municipal courts are granted jurisdiction to try such cases pursuant to [Sections 14-25-320, Code of Laws of South Carolina, 1976](#), which confer certain powers on ministerial recorders, and [14-25-920, Code of Laws of South Carolina, 1976](#), which provides the general jurisdictional grant of authority for municipal courts.

[Section 34-11-90, supra.](#), states in part:

'[i]f the amount of the instrument is two hundred dollars or less, it shall be tried exclusively in a magistrate's court; provided, however, that a municipal governing body may, by ordinance, adopt by reference the provisions of this chapter as an offense under its municipal ordinances and by so doing shall authorize its municipal court to try violations of this chapter.' [Emphasis added].

It has been stated that as to a conflict between a statute which deals generally with a subject and another statute which specifically deals with a certain phase of it, in the proper circumstances, the specific legislation controls. 73 Am.Jur.2d, Statutes, Section 257, p. 427. Furthermore, it has been held that a later statute which supplements an earlier one by making specific provisions to cover a particular subject controls inasmuch as it reflects the latest expression of legislative will as to a particular subject. [Bisi v. American Automobile Insurance Co., 137 Conn. 424, 78 A.2d 533 \(1951\)](#).

Referencing the above discussion, as to the jurisdiction of a municipal court to try a fraudulent check case, it appears that the provisions of [Section 34-11-90, supra](#), should be construed as controlling over the more general jurisdictional statutes affecting municipal courts, namely, [Sections 14-25-320 and 14-25-970, supra](#). Therefore, in the opinion of this Office, a municipal court of a municipality whose governing body has not acted pursuant to [Section 34-11-90, supra.](#), to authorize such court to try violations of the fraudulent check statutes is not authorized to try such cases. Thus, any such cases must be tried in the proper county magistrate's court.

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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