

1977 S.C. Op. Atty. Gen. 146 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-191, 1977 WL 24533

Office of the Attorney General

State of South Carolina

Opinion No. 77-191

June 21, 1977

\*1 Mr. Neal Forney

Assistant Director

South Carolina Court Administration

South Carolina Supreme Court

Post Office Box 11788

Columbia, South Carolina 29211

Dear Mr. Forney:

In your letter to this office on May 12, 1977, you made the following inquiries: (1) Does the service of a uniform traffic ticket by a deputy sheriff or policeman in a non-traffic offense [e.g. disorderly conduct under 1962 Code (1975 cum. supp.) § 16–558, and assault and battery under § 43–64] vest the Magistrate or Municipal Courts with jurisdiction to try and dispose of cases without an arrest warrant? and (2) Does the uniform traffic ticket printed by the State Highway Department have to be in the forms (front and back) prescribed by § 46–871 of the Code of Laws, 1962?

It is the opinion of this office that § 46–871 (1976 Code § 56–7–10) requires the exclusive use of the printed forms by its language which states ‘There shall be one uniform traffic ticket used by all law enforcement officers in the state’ (emphasis added). Furthermore, this section restricts the use of the uniform ticket to traffic offenses only by its statement that ‘service of [a ticket] shall vest [the traffic court] with jurisdiction to hear and dispose of the charge for which such ticket was issued and served.’

I hope that this will answer the questions which you raised. Thank you for your patience in awaiting our response.

Sincerely yours,

Joseph C. Coleman

Deputy Attorney General

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