

1977 S.C. Op. Atty. Gen. 167 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-213, 1977 WL 24555

Office of the Attorney General

State of South Carolina

Opinion No. 77-213

July 8, 1977

***1** TO: Sheriff Paul Grant
Sheriff of Aiken County

QUESTION:

Does § 24–13–210 (good time) apply to persons confined for civil contempt?

AUTHORITIES:

§ 24–7–110 of the 1976 Code of Laws of South Carolina; § 24–13–210 of the 1976 Code of Laws of South Carolina; § 20–7–460 of the 1976 Code of Laws of South Carolina; [McComb v. Jacksonville Paper Co.](#), 336 U.S. 187 (1948); [Parker v. United States](#), 153 F.2d 66 (1st Cir. 1946); [Duell v. Duell](#), 178 F.2d 683 (D.C. Cir. 1949);

DISCUSSION:

You have inquired whether § 24–13–210 of the 1976 Code of Laws of South Carolina applies to persons confined for failure to comply with a support order received in accordance with the Uniform Reciprocal Enforcement of Support Act (§ 20–7–110, *et seq.*). It is our opinion that it does not.

Section 20–7–460 provides, in essence, that enforcement of support orders shall include the power to punish for civil contempt. Civil contempt proceedings are to enforce compliance with an order of the court or to compensate for losses or damages sustained by reason of noncompliance. [McComb v. Jacksonville Paper Co.](#), 336 U.S. 187 (1948). Accordingly, sentences imposed in a civil contempt proceeding should not be for a definite term but only until compliance with the order or until the individual proves it is impossible for him to comply with the order. A sentence imposed for a definite period of time without regard to the individual's compliance with the original order would be punitive. [Parker v. United States](#), 153 F.2d 66 (1st Cir. 1946); [Duell v. Duell](#), 178 F.2d 683 (D.C. Cir. 1949).

Section 24–13–210 provides that persons confined in this State for a definite term may in proper instances be entitled to a deduction from the term of his sentence for good behavior. Inasmuch as punishment for civil contempt is by its nature for an indefinite period which the incarcerated person may terminate at any time through compliance with the court's original order, it is certain in our opinion that the provisions of § 24–13–210 would have no application to persons confined for civil contempt.

CONCLUSION:

Therefore, it is the opinion of this office that § 24–13–210 does not apply to persons confined for civil contempt.

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Assistant Attorney General

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