

1977 WL 37457 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1977

*1 The Honorable Norma S. Russell
Member
South Carolina House of Representatives

QUESTION:

What compensation may a magistrate in South Carolina receive for performing the duties of his office?

AUTHORITIES:

Section 22-7-30, Code of Laws of South Carolina, 1976;

Section 22-7-40, Code of Laws of South Carolina, 1976;

Act No. 172, ACTS AND JOINT RESOLUTIONS OF SOUTH CAROLINA 1973;

Section 22-7-10, Code of Laws of South Carolina, 1976.

DISCUSSION:

Compensation received by a magistrate in South Carolina for performing the duties of his office is regulated by statute. As to criminal cases, Section 22-7-30, Code of Laws of South Carolina, 1976 statutes that:

The magistrates shall receive annual salaries in lieu of all fees and costs in criminal cases or proceedings, payable quarterly by the county treasurer upon the warrant of the county supervisor against any county funds available for that purpose.

Furthermore, Section 22-7-40, Code of Laws of South Carolina, 1976 provides for certain criminal penalties for a salaried magistrate who unlawfully receives compensation in addition to his salary for services performed in criminal cases. A magistrate found to have violated Section 22-7-40, *supra*, shall be guilty of a misdemeanor and upon conviction be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars or be imprisoned not less than thirty (30) days and not more than six (6) months, or receive both a fine and a sentence of imprisonment, at the discretion of the Court.

Magistrates are entitled to receive in addition to their salaries, compensation when prosecution of a worthless check case is discontinued by settlement or compromise. (As to such compensation for Lexington County magistrates, please see Act No. 172, ACTS AND JOINT RESOLUTIONS OF SOUTH CAROLINA 1973.) Magistrates are also entitled to receive certain fees for performing specific duties relating to certain matters brought before them. These fees are outlined for the most part in Section 22-7-10, Code of Laws of South Carolina, 1976. Exceptions as to fees permitted Lexington County magistrates as to certain items in this particular section are detailed primarily also by the above-referenced Act No. 172. (For a complete detailing of such fees, please consult appropriate code sections.)

CONCLUSION:

Concerning the question as to what compensation a magistrate is entitled to receive for performing the duties of his office, a magistrate is entitled to receive only such salary and fees as are statutorily authorized.

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