

1976 WL 30648 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 6, 1976

*1 The Honorable David O. Hawkins

Member

House of Representatives

Spartanburg County

23 Independence Drive

Roebuck, South Carolina 29376

Dear David:

I have not been able to reach you at the State House; therefore, I am writing you about the copy of the bill which you handed me a couple of weeks ago.

I do not see any constitutional objection to the bill except to the retroactive effect which is given by the second sentence of the first paragraph relating back to actions subsequent to January 1, 1975. This may present a constitutional problem from the standpoint of ex post facto law, although this is not entirely clear where the statute does not relate to criminal procedure. Another difficulty with the sentence may be with respect to any contracts that have been entered into since January 1, 1975. Of course, the Constitution forbids any impairment of the obligation of contract.

The courts generally do not look with favor on the retroactive application of statutes, but aside from this consideration and the two possible clouds which I have mentioned, I do not see any constitutional basis upon which the bill can be questioned.

With best wishes,

Very truly yours,

Daniel R. McLeod

Attorney General

1976 WL 30648 (S.C.A.G.)

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.