

1978 WL 34667 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1978

\*1 Assistant Chief R. F. Roark  
Union City Police Department  
Sharpe Avenue  
Union, SC 29379

Dear Mr. Roark:

Thank you for your letter to the Attorney General regarding the issuance of arrest warrants and uniform traffic tickets.

[Section 56-7-10 of the 1976 Code of Laws of South Carolina](#) expressly provides that the issuance and service of a uniform traffic ticket by a law enforcement officer having traffic jurisdiction shall vest all traffic courts with jurisdiction to hear and dispose of the charge. Under the provisions of that statute, enacted in 1971, it is no longer necessary for traffic courts to issue arrest warrants in order to properly vest jurisdiction over the defendant. Service of the uniform traffic tickets now serves that purpose. [State v. Prince, 262 S.C. 89, 202 S.E.2d 645 \(1974\)](#).

However, in all non-traffic situations, it is still necessary to procure a warrant as required under the terms of [Section 22-3-710 of the 1976 Code of Laws of South Carolina](#), which requirement cannot be waived. [Honea Path v. Wright, 194 S.C. 461, 9 S.E.2d 924 \(1940\)](#).

Finally, you asked whether it will be proper to issue a warrant when a jury trial is demanded. Under the foregoing discussion, if the matter involves a traffic violation for which a uniform traffic ticket has previously been issued, then such a practice would merely be in addition to that required by law. In all other cases, of course, an arrest warrant is necessary in order to properly vest jurisdiction in the magistrate's or municipal court.

I trust the preceding discussion adequately answers your questions, however, if you need any further assistance, please feel free to contact me.

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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