

1979 WL 43010 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 21, 1979

\*1 Judge Lee R. Deese  
Route 3  
Kershaw, S.C. 29067

Dear Magistrate Deese:

In a letter forwarded to this office by Mr. Neal Forney you asked whether inasmuch as the decision of the South Carolina Supreme Court in State ex rel. McLeod v. Crowe, Opinion No. 208 5, filed November 13, 1978, indicated that all magistrates now have uniform county-wide jurisdiction, is the 1966 opinion of this office that magistrates must reside in a particular district when a statute mandates residency within a district still valid?

The referenced opinion concerned the statute codified as Section 43-670 in the 1962 Code of Laws which provided that 'there shall be seven magistrates in Chester County, one of whom shall reside in and have jurisdiction in each of the magisterial districts.' This office indicated that pursuant to such, inasmuch as an officer must be a resident and qualified elector of the area which he represents, each of the Chester County magistrates must live in their respective magisterial districts. (Please be advised that such section was amended by Act No. 920 of 1970 to reduce the number of magistrates and districts to six).

Please be advised that upon review, the above opinion is still sound in its holding requiring residency. The Crowe decision did not deal with residency requirements of magistrates and I am unaware of any decisions which have done so. Therefore, those statutes which mandate that a magistrate must reside in a particular magisterial district are still valid.

If there are any questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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