

1979 WL 43030 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1979

*1 William A. Slover
Mayor
Town of Batesburg
Batesburg, South Carolina 29006

Dear Mayor Slover:

In response to your inquiry as to the authority of the town police department to investigate, issue, and serve a warrant in a fraudulent check case, please be advised that a fraudulent check case should be treated no differently from any other criminal matter within the authority of the police department. As you are aware, failure of a maker of a fraudulent check to respond to notice properly sent to the maker constitutes prima facie evidence of fraudulent intent against the maker and therefore such sending of notice to the maker is typically done before initiating a fraudulent check action. I am unaware of what other investigation may be done in a fraudulent check case, but as stated, such a case should be handled in the typical manner of handling cases within the police department's jurisdiction.

As to who may issue the warrant, it is my understanding that Batesburg has a recorder's court. Therefore, presuming that the offense of issuing a fraudulent check occurred within the town limits of Batesburg, a warrant for a fraudulent check case could properly be issued by the recorder. Of course, a Lexington County magistrate would similarly have jurisdiction to issue the warrant. Hopefully the above is a complete response to your inquiry.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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