

1979 WL 43128 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 23, 1979

***1 RE: Lancaster County General Sessions Fines**

Philip E. Wright, Esquire
P. O. Box 150
Lancaster, S. C. 29720

Dear Mr. Wright:

You have recently asked the opinion of this Office concerning the obligation of the County of Lancaster to pay to the City of Lancaster a portion of fines which derive from General Sessions cases which arise in the City. The City's request for payment is founded on 1961 Acts and Joint Resolutions 101. That act provides that when an offense is committed within the corporate limits of the municipality of Lancaster and the conviction for the offense comes in the circuit court, any fine which is collected is to be divided equally between the two governmental bodies.

[Section 14-21-490, Code of Laws of South Carolina](#), 1976 (as amended) provides that all 'costs, fees, fines, penalties, forfeitures, and other revenues generated by the circuit courts . . .' after July 1, 1977 shall be divided between the state and county, one-fourth and three-fourths, respectively. This legislative enactment is inconsistent with and repugnant to the 1961 Act.

The general rule of statutory construction is that a statute may impliedly repeal a prior statute by containing provisions which are inconsistent and irreconcilable with that statute. 82 C.J.S. Statutes Sections 290-291 (1953). The material inconsistency between the two relevant acts cannot be reconciled to allow both to be in effect. The subsequent 1976 legislation impliedly repealed the 1961 Act, effective July 1, 1977.

Therefore, based upon the generally accepted principles of statutory construction, it is the opinion of this Office that 1961 Acts and Joint Resolutions 101 is of no effect and that one-fourth of all fines generated by the circuit court in the County of Lancaster must be remitted to the State of South Carolina to defer the costs of the unified court system.

Sincerely,

Corinne G. Russell
State Attorney

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