

1979 WL 43429 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1979

***1 Re: Parole Revocation**

Mr. J. P. Pratt, II
Associate Director of Operations
S. C. Probation, Parole and Pardon Board
P. O. Box 11368
Columbia, SC 29211

Dear Mr. Pratt:

You have recently asked the opinion of this Office concerning the effects of a warrant issued by the South Carolina Probation, Parole and Pardon Board in connection with [§ 24-21-680, Code of Laws of South Carolina \(1976\)](#). You specified that your agency wanted to know if the issuance of a Parole Violation Warrant stops the time on parole from expiring in the same manner as the issuance of a Probation Violation Warrant. You further stated that your present understanding was that an Order of Revocation was required to stop a parole from expiring.

[Section 24-21-680](#) specifies that upon a violation of parole, 'the order of parole shall be cancelled and the prisoner shall thereupon and thereafter have the status of an escaped convict, be arrested without a warrant and be required to serve the part of the sentence that remains unserved.' The statute further provides that the Probation, Parole and Pardon Board shall be the sole judge as to whether or not a parole has been violated. There appears to be no authority for the Board to issue a Parole Violation Warrant.

A person who is absent from prison on parole is within the custody of the Department of Corrections until the expiration of his sentence. Therefore, each day which passes prior to the revocation of parole must be credited toward the expiration of the sentence being served. 1974 Attorney General Op. No. 3855. However, once the Board revokes the parole order, the person is no longer within the Department of Corrections, but is deemed an escaped convict.

It is the opinion of this office that any person who is on parole must be credited with each day which is served prior to the Board issuing an order of revocation and that a Parole Violation Warrant will not prevent the time on parole from expiring. Therefore, it appears that your present understanding of the requirements, as stated in your requesting letter, is correct.

Very truly yours,

Corinne G. Russell
State Attorney

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