

1979 WL 43197 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1979

*1 G. Gordon McBride, Esquire
County Attorney
County of Darlington
Darlington, South Carolina 29532

Dear Mr. McBride:

In a letter to Mr. McLeod you requested an opinion from this Office as to the constitutionality of Act No. 459 of 1978 and the legality of collecting the fees provided by such Act.

Please be advised that after passage of this Act, a request for an opinion concerning the constitutionality of the Act was made by the South Carolina Court Administration Office. Such request also requested clarification by this Office of certain portions of the Act. Enclosed please find an opinion written in response which answered such questions for the most part but further added that:

‘(t)he foregoing questions, and possibly others, present serious questions which raise doubts as to the procedure which is to be followed, but in the opinion of this Office, these doubts and validity of the procedure must be determined by court adjudication. The construction of the Act adopted herein is merely an attempt to comply with the intent of the General Assembly in enacting the statute.’

With reference to the previous opinion, this Office is unable to provide any further opinion commenting on the constitutionality of Act No. 459 of 1978. As stated, admittedly serious questions may exist as to the Act and its implementation but as indicated such are more properly a matter for court adjudication. I regret I cannot be of further assistance.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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