

1979 WL 43545 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1979

*1 Honorable John Hamilton Smith
South Carolina House of Representatives
Drawer D
Summerville, South Carolina 29483

Dear Representative Smith:

In a letter to this Office you requested an opinion concerning the authority of a municipal recorder to issue warrants for matters within the jurisdiction of the Court of General Sessions for crimes which occurred within the town limits, to hold preliminary hearings, and to set bonds in actions within the jurisdiction of the Court of General Sessions. I am assuming you are referring to a recorder's court established pursuant to [Section 14-25-910 of the 1976 Code](#) of Laws.

As to the authority of a municipal recorder to issue such warrants and hold preliminary hearings, please be advised that in the case of [State v. Blue](#), 264 S.C. 468, 215 S.E.2d 905 (1975), the South Carolina Supreme Court specifically stated that the jurisdiction conferred on recorders pursuant to the section now codified as [Section 14-25-970 of the 1976 Code](#) of Laws:

' . . . includes concurrent jurisdiction with magistrates to issue warrants for arrests within the city limits for offenses beyond their jurisdiction to try and . . . (pursuant to the Section now codified as [Section 22-5-310 of the 1976 Code](#) of Laws . . . to sit as examining courts in such cases, where the offenses are committed within the corporate limits of the city.' 264 S.C. at 474.

As to your remaining question concerning the authority of a municipal recorder to set bond in an action within the jurisdiction of the Court of General Sessions, a previous opinion of this Office dated February 16, 1978, a copy of which is enclosed, stated in reference to the refusal of Sumter County Magistrates to set bail in criminal cases originating in the municipal court:

'It appears that their position is correct inasmuch as arrest warrants are commonly returnable to the issuing court for the setting of bonds. The Bail Reform Act specifies the procedures and conditions of release to be employed by the courts before which accused persons are brought to answer. Although that Act itself is silent as to municipal courts, it is nevertheless certain, in our opinion, that the subsequent action of the Legislature in amending [Section 14-25-970](#), *supra.*, effectively conferred criminal jurisdiction upon the municipal courts and accordingly imposed the power and duty to set bail on defendants in accordance with the Bail Reform Act of 1969.'

Hopefully the above is in complete response to your inquiry. If there is anything further, do not hesitate to contact me.
Sincerely,

Charles H. Richardson
Assistant Attorney General

1979 WL 43545 (S.C.A.G.)