

1978 S.C. Op. Atty. Gen. 48 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-31, 1978 WL 22515

Office of the Attorney General

State of South Carolina

Opinion No. 78-31

February 16, 1978

\*1 TO: Mr. Jack W. Erter, Jr.  
Attorney at Law

QUESTION:

Do the provisions of the Bail Reform Act of 1969 apply to cases in the City Recorder's Court?

STATUTES INVOLVED:

[Section 14-25-970, 1976 Code of Laws of South Carolina](#);

[Sections 17-15-10, et seq., 1976 Code of Laws of South Carolina](#) (the Bail Reform Act of 1969).

DISCUSSION:

You have asked whether the provisions of the Bail Reform Act of 1969 ([Sections 17-15-10, et seq.](#) of the 1976 Code of Laws of South Carolina) apply to the handling of criminal matters by the Sumter City Recorder's Court. It is our opinion that it does.

[Section 14-25-970 of the 1976 Code](#) states in pertinent part:

The municipal court shall also have all such powers, duties, and jurisdiction in criminal matters made under municipal or State law as are now conferred by law upon the magistrates appointed and commissioned for the county in which the court is established, except that such court shall not have the authority of a magistrate to appoint a constable.

The intent of the Legislature in framing the above-referenced provision in this manner was 'to confer upon municipal courts the same jurisdiction in criminal matters as is provided by law in magistrate courts . . . ' Act No. 249 of 1975, p. 581.

You advised that the Sumter County magistrates have declined to set bail in criminal cases originating in the City Recorder's 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.

CONCLUSION:

Therefore, it is the opinion of this Office that the provisions of the Bail Reform Act apply to the handling of criminal matters by the Sumter City Recorder's Court.

Richard P. Wilson  
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