

1978 WL 34773 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1978

*1 G. Werber Bryan, Esquire
Sumter County Counsel
Post Office Box 2038
Sumter, SC 29150

Dear Mr. Bryan:

Your letter to the Attorney General regarding prosecution of traffic cases on I-95 has been referred to me. Thank you for your patience in awaiting our response.

You have noted that a section of Interstate 95 between Florence and Clarendon Counties runs through Sumter County. By agreement, you note that this section of I-95 has always been patrolled by the Florence office of the South Carolina Highway Patrol. It has now come to your attention that the cases which are made in Sumter County have been made returnable before a Florence County magistrate and that all fines which the Florence office of the South Carolina Highway Patrol has collected on that section of the Interstate have been turned in to Florence County magistrates. You now question the propriety of this procedure.

Inasmuch as most traffic offenses are continuing offenses and may be brought in either county where the acts carry across territorial boundaries, it appears that violations which occur in one county with the apprehension of the driver occurring in another county may be prosecuted in either jurisdiction in the discretion of the arresting officer. Accordingly, fines collected by the court in which the charge has been lodged could properly be retained by that jurisdiction.

However, those offenses which occur on I-95 exclusively within the confines of Sumter County clearly should be prosecuted in the Sumter County Magistrate Courts with the fines generated therefrom payable to Sumter County.

I trust the preceding discussion adequately answers your question, however, if any further explanation is required, please feel free to contact me.

With best regards, I am
Very truly yours,

Richard P. Wilson
Assistant Attorney General

1978 WL 34773 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.