

1978 WL 35163 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1978

*1 Chief Bill Rea
Police Chiefs Association of Spartanburg County
Campobello, S. C. 29322

Dear Chief Rea:

In your recent letter to this Office you asked:

Can a county magistrate be required to arraign a subject who has been arrested and charged with a violation of state law within any given municipality's jurisdiction when the municipality's judge is not available?

Please be advised that I am unaware of any statutory provisions which mandate a county magistrate is to act for a municipal judge in the above manner. However I feel that such need may be avoided by the appointment or election of an additional municipal judge who can act in the absence of the chief municipal judge. A recent opinion of this Office, a letter from Ms. Karen Henderson to Mr. Zier dated March 9, 1978, a copy of which is enclosed, stated that [Section 5-7-230 of the 1976 Code](#) of Laws permits the election or appointment of an additional municipal judge who could be designated to act only in case of the absence, disability, or other disqualification of the chief judge. Therefore, I suggest this as a possible solution to any problems which may occur during the period when a particular municipal judge is not available.

I am also enclosing a copy of the opinion of this Office dated July 25, 1978 concerning persons under twenty-one acting as law enforcement officers which you requested.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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