

1978 WL 35218 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 13, 1978

**\*1 RE: Worthless Checks Given To Magistrates For Payment of Fines**

Mr. Neal Forney  
Assistant Director  
S. C. Court Administration  
P. O. Box 11788  
Columbia, S. C. 29211

Dear Mr. Forney:

In a letter to this Office you asked:

What procedure should magistrates use to bring a convicted defendant back before a court when a worthless check has been accepted as payment of a fine after conviction?

As to such a problem, such a situation could obviously be avoided by the refusal of a magistrate to accept a personal check in payment of a fine. Therefore, it would appear to be the better policy for magistrates not to accept such checks in payment of a fine.

However as to the situation you described, inasmuch as the fine for which the check was written may be considered not to be paid since the check was determined to be worthless, the magistrate would still retain jurisdiction over the defendant. Therefore, in the opinion of this Office, a bench warrant may be issued to bring the defendant back before the court.

With best wishes, I am

Very truly yours,

Charles H. Richardson  
Assistant Attorney General

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