

1978 WL 35266 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1978

**\*1 RE: 1976, Code of Laws of South Carolina Section 34-11-60**

Mr. Sindney S. Riggs, III  
Assistant Solicitor  
Eleventh Judicial Circuit  
Lexington County Court House  
Lexington, South Carolina 29072

Dear Mr. Riggs:

You have asked this Office for its opinion as to whether the criminal bad check statute, [Section 34-11-60](#), applies to bad checks written for past due rent. It is the opinion of this Office that if the rent is past due it is a pre-existing debt and therefore not within the purview of [Section 34-11-60](#).

Stated another way, if the bad check is drawn on or before the day the rent is due, a crime, as defined by [Section 34-11-60](#), has been committed. If the bad check is drawn after the date due, although the check is still worthless, no crime exists as this conduct falls within the pre-existing debt exception of [Section 34-11-60](#).

Sincerely,

Barbara J. Hamilton  
State Attorney

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