

1978 WL 35256 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1978

**\*1 RE: Accused May Deposit Money In Lieu of Recognizance**

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

Dear Mr. Forney:

In a recent letter to this Office you asked:

Is it necessary to use a Form 2 pursuant to [Section 17-15-40 of the Code](#) of Laws when the accused deposits money in lieu of recognizance pursuant to the provisions of [Section 22-5-530 of the Code](#) of Laws?

Based upon a review of [Section 22-5-530 of the 1976 Code](#) of Laws and Form 2, it is the opinion of this Office that the magistrate should execute a Form 2 when accepting money pursuant to [Section 22-5-530](#). It is the recommendation of this Office that in completing the form the magistrate include in part VI, 'Other Conditions', a statement in reference to the fact that a specific sum of money is being accepted, as is permitted by [Section 22-5-530](#). Furthermore, by utilizing such form, the defendant is being released by order of the court and is formally being put on notice as to the place, date, and time when some disposition will be made of his case.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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