

1975 WL 28954 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1975

\*1 Cyrus F. Sloan, III, Esq.  
McLendon and Sloan  
111 Witcover Street  
P. O. Box 1034  
Marion, South Carolina 29571

Dear Mr. Sloan:

Your recent letter of June 13, has been referred to me for reply. You have inquired as to whether the City Recorder, the Mayor, or Mayor Pro Tem has the authority to issue warrants for violations of the City Code.

Section 15-901, Code of Laws, 1962 provides in pertinent part as follows:

'The intendants or mayors of the cities and towns of this State shall have all the power and authority of magistrates in criminal cases within the corporate limits . . . and shall especially have power and authority to try speedily all offenders against the ordinances or laws of the city or town. . . . A mayor or intendant pro tempore shall have the same powers.'

Section 15-1002, et seq., 1962 Code of Laws further provides for the establishment of municipal courts. The court is established 'for the trial and determination of all cases arising under the ordinances of such city'. This Office has taken the position that municipal recorder's courts have the authority to issue search warrants with the guidelines of Section 17-271, 1962 Code of Laws, but have the power to issue arrest warrants only for the violation of city ordinances. (Letter written by Deputy Attorney General Coleman, April 10, 1975) See Also Ops.Att'y.Gen. 1964-65, No. 1957, p. 266; Ops.Att'y.Gen. 1967-68, No. 2497, p. 174. In a recent decision handed down by our Supreme Court, it was held, inter alia, that the 'jurisdiction conferred on Recorders, therefore, includes concurrent jurisdiction with magistrates to issue warrants for arrests within the city limits for offenses beyond their jurisdiction to try and, under Code Section 43-231, to sit as examining courts in such cases, where the offenses are committed within the corporate limits of the city'. (State v. Blue, Advance Sheet No. 16, filed during the week ending June 7, 1975). It is therefore abundantly clear that either the Mayor, the Mayor Pro tempore, or the city Recorder of the City of Marion may issue arrest warrants for violations of the City Code.

With best wishes,

Herman L. Moore  
Law Clerk

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