

1975 WL 29269 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 16, 1975

*1 Senator Robert C. Lake, Jr.
P. O. Box 245
Whitmire, South Carolina 29178

Dear Senator Lake:

I have received your letter of September 11, 1975, in which you request an opinion as to whether legislation which would grant county-wide jurisdiction to a Saluda County magistrate would be constitutional.

Our office has previously issued opinions on similar legislation, both proposed and enacted, and our conclusion is that such legislation, while it is not proscribed by Article VIII of the State Constitution, does violate Sections 1 and 22 of Article V thereof. Recent Supreme Court decisions have invalidated legislation creating a family court in Dorchester County and adding an associate judge to the Horry County Court, holding that such legislation does not further the aim of a unified judicial system consisting of courts of uniform jurisdiction. State ex rel. McLeod v. Knight (Opinion No. 20035, filed June 16, 1975); State ex rel. McLeod v. The Civil and Criminal Court of Horry County (Opinion No. 20053, filed July 9, 1975). While magistrates are specifically provided for in the Constitution [S.C. CONST. art. V, § 23], nonetheless, their jurisdiction must be provided for in a manner consistent with a unified judicial system by means of general law and consistent with Section 22 of Article V as interpreted by the Supreme Court in the decisions hereinabove cited.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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