

1974 WL 27595 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 14, 1974

***1 In Re: Greenville County; Fraudulent Check Fees**

Sergeant J. B. West
Sheriff's Office
County Courthouse
Greenville, South Carolina

Dear Sergeant West:

You have inquired whether or not the County of Greenville is entitled to a fee for the service of fraudulent check warrants by the Sheriff's Office.

Although special statutes provide for fees to counties, sheriffs and magistrates in cases in which fraudulent check cases are 'settled or compromised' in several counties, I can find no statutory provision for such fees in Greenville County.

Unless specifically provided by statute, it would not be lawful to impose or collect a fee for issuance or execution of a bad check warrant.

Under Section 27-451 (10), 1962 Code of Laws of South Carolina, a magistrate's constable is entitled to a fee of one dollar plus mileage for service of any criminal warrant.

Under Section 47-429, 1962 Code of Laws of South Carolina, it is made a general sessions court criminal offense for any salaried magistrate to receive any compensation other than his salary for his services in criminal cases. Bad check cases are criminal cases, of course. There are a few exceptions to this law specifically set forth by statute. Ref.: Section 27-421, et seq., 1962 Code of Laws of South Carolina, as amended.

In order to insure that I have not missed a special provision permitting collection of bad check fees in Greenville County, it is suggested that you double-check this question with your County Attorney, E. P. Riley, Esquire.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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