

1974 WL 27684 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1974

*1 Mr. Lester J. Reynolds, Jr.
Administrator
Lexington County Detention Center
Lexington, South Carolina 29072

Dear Sir:

You have asked the following questions. (1) Can county prison systems grant extra good time credits for working seven (7) days a week and (2) Can the county set up a system for granting week-end, holiday and/of emergency passes to county prisoners.

The entire area of allowing good time credits towards reducing the sentences of inmates incarcerated in this State is governed by statute. There is no other authority for reducing sentences of prisoners. I am enclosing for your information a copy of a recent opinion of this Office dealing with good time credits. See 1971-22 Ops. Atty. Gen. No. 3407 page 278. From this opinion you can see that the only credit toward reduction of a sentence which may be earned by a prisoner serving his time on the county prison farm or public works is statutory good time credit provided for in Section 55-8 Code of laws of South Carolina, 1962. There is additionally the credit for blood donations, if in fact these donations are still permitted. I should point out that Section 35-8 has now been amended to provide that good time is to be based on aggregated sentences where two or more consecutive sentences have been imposed. This amendment was passed in 1973 after the opinion, which I have enclosed, was written.

In answer to your second question there is no provision in the statutory law of this State which permits prisoners to be released from that custody. There is no statutory provision which applies to county prisons such as legislation which has been promulgated for the Department of Corrections allowing the Director to expand the limits of confinement for certain prisoners under certain conditions. See Sections 55-303.1 and 55-321.1, Code of Laws of South Carolina, 1962, as amended. This is the present posture of the law in this State. Without statutory authority, there is no way for counties to set up a system for granting week-end passes or furloughs to county prisoners. The only remedy for this situation would be for the General Assembly to enact appropriate legislation permitting the county prison authorities to set up such a system. I hope this has answered any questions you may have and if there is anything further that I can do, please let me know.

With kindest regards,
Yours very truly,

Emmet H. Clair
Assistant Attorney General

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