

1974 WL 27697 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1974

***1 Re: Greenville-Spartanburg Airport Commission—Acceptance of Cash for Bail or Bond by Police Officers.**

Thomas A. Evins, Esquire
Butler, Means, Evins and Browne
Attorneys at Law
P. O. Drawer 451
Spartanburg, South Carolina 29301

Dear Mr. Evins:

Mr. McLeod has referred to me your letter of March 20, 1974, inquiring generally as to the authority of police officers of the Greenville-Spartanburg Airport Commission to accept cash bond for traffic violations. I assume, since you ask the question, that the act creating the Commission does not empower such officers specifically to accept such bond.

As you know, of course, the only statutory provision permitting acceptance of bond on the road by a police officer refers to traffic tickets issued by the South Carolina Highway Department. A review of the act creating the uniform traffic ticket reflects that no such provision is made with reference to any other officer issuing a traffic citation.

I know that many municipalities issue so-called county traffic citations and follow this up with an arrest warrant when and if the offender does not appear for trial at the appointed time. It is my information also that many police agencies in the State follow the practice of accepting cash bail or bond from traffic offenders notwithstanding the fact that they have no statutory authority therefor.

In view of the foregoing, this office must advise that it is our opinion that absent specific statutory authority, the law enforcement officers of the Greenville-Spartanburg Airport Commission are not authorized to accept cash bond on persons arrested for traffic violations.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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