

1974 WL 27497 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1974

***1 In Re: Requiring Cooperation with ASAP**

Honorable H. W. Hennig
Recorder
Police Department
Darlington, South Carolina

Dear Mr. Hennig:

With reference to your letter of October 17, 1974, my opinion on the Act of the General Assembly requiring law enforcement agencies in Marlboro and Chesterfield Counties to cooperate with ASAP would apply to any other act with similar provisions affecting other counties.

Assuming that the Act to which you refer requires law enforcement agencies in Darlington, Lancaster and Spartanburg to not pros or reduce traffic offenses because of enrollment in the ASAP program, it is my opinion that such act would be unconstitutional as special legislation.

This opinion was not intended to mean that law enforcement agencies and courts in certain counties may not cooperate with ASAP under the theory that the State, represented by either the solicitor or other prosecuting attorney or the arresting officer, may not pros any charge and substitute another in lieu thereof. An ASAP program may be carried on voluntarily.

My opinion on the Marlboro-Chesterfield Act was that law enforcement agencies may not be required to participate in such programs unless the requirement is effective throughout the State.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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