

1974 S.C. Op. Atty. Gen. 331 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3898, 1974 WL 21394

Office of the Attorney General

State of South Carolina

Opinion No. 3898

November 27, 1974

**\*1** Every fine and forfeiture collected as a result of a violation of any criminal provision of Act No. 445 of 1971, as amended, must have deducted therefrom the sums prescribed by Act No. 1186 of 1970, as amended.

TO: Assistant Director

Commission on Alcohol and Drug Abuse

You have requested that we advise you as to whether or not Section 50 of Act No. 445 of 1971, as amended by Section 9 of Act No. 1068 of 1974,<sup>1</sup> impliedly repealed pro tanto Section 7 of Act No. 1186 of 1970, as amended by Act No. 389 of 1971 and by Section 5 of Act No. 1180 of 1974.<sup>2</sup>

Repeals by implication are not favored. [City of Spartanburg v. Blalock](#), 223 S.C. 252, 75 S.E.2d 361; [State v. Hood](#), 181 S.C. 488, 188 S.E. 134. A later statute will not be construed to repeal an earlier enactment by implication unless it is 'plainly repugnant' to the earlier statute or fully embraces the whole subject matter of the law. [State v. Alexander](#), 14 Rich.Law 247.

The authorities agree that, to effect a repeal by implication on account of repugnancy, the repugnancy must not only be plain, but the provisions of the two statutes must be incapable of any reasonable reconciliation; for, if they can be construed together, the Court will so construe them. [Rearson v. Mills Mfg. Co.](#), 82 S.C. 506, 64 S.E. 407 at 409.

In our opinion, the two statutes, as amended, are capable of reasonable reconciliation and can be construed together without difficulty. Viz. Every fine and forfeiture collected by any court or agency resulting from a violation of any of the criminal provisions of Act No. 445, as amended, which regulates controlled substances and dangerous drugs, is to be remitted to the State Treasurer for exclusive use by the Department of Mental Health for the treatment and rehabilitation of drug addicts; however, from each such fine and forfeiture there must be deducted the appropriate sums prescribed by Act No. 1186, as amended, for use by the South Carolina Law Enforcement Training Council in connection with its law enforcement and criminal justice training program and for use by the South Carolina Law Enforcement Hall of Fame Committee in erecting and maintaining the South Carolina Law Enforcement Hall of Fame.

C. Tolbert Goolsby, Jr.

Deputy Attorney General

#### Footnotes

- 1** All fines and forfeitures collected by any court or agency resulting from any violation of any provision of this act shall be remitted to the State Treasurer under such terms and conditions as he may determine. All such fines and forfeitures shall be used by the Department of Mental Health exclusively for the treatment and rehabilitation of drug addicts within the Department's addiction center facilities.
- 2** Beginning on January 1, 1971, every fine levied on a criminal or traffic violation in this State shall have a portion thereof designated, set apart, and used for the council's program of training in the fields of law enforcement and criminal justice, and every bond forfeiture for such violations shall likewise be apportioned according to the same scale, as follows:
  - (a) Fines and forfeitures from \$5.00 up to but not including \$15.00 . . . \$1.00
  - (b) Fines and forfeitures from \$15.00 up to but not including \$50.00 . . . \$2.00
  - (c) Fines and forfeitures from \$50.00 up to but not including \$100.00 . . . \$3.00

(d) Fines and forfeitures from \$100.00 and over . . . \$5.00

In addition to the apportioned amounts set forth in items (a) through (d) above, twenty-five cents on each fine or forfeiture shall be paid over to the South Carolina Law Enforcement Training Council which shall in turn transfer all funds so collected to the South Carolina Law Enforcement Hall of Fame Committee to defray the cost of erecting and maintaining the Hall of Fame. At any time when funds collected pursuant to this paragraph exceed the necessary costs and expenses of the Hall of Fame operation and maintenance as determined by the committee, the council may retain the surplus for use in its law enforcement training program.

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