

1973 S.C. Op. Atty. Gen. 82 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3491, 1973 WL 20954

Office of the Attorney General

State of South Carolina

Opinion No. 3491

March 13, 1973

***1 (1) A proposed statute which, if enacted, would allow good time credit for meritorious service for prisoners confined at the Charleston County Prison Farm is unconstitutional in that it violates Article III, Section 34(IX) of the State Constitution which prohibits the enactment of special laws where general laws can be made applicable.**

Senator

Senatorial District No. 16

You have requested that we advise you as to the constitutional validity of the following proposed statute, which reads in part: In addition to the credit that may be earned to reduce the length of a sentence in accordance with Section 55–8, or any other provision of law, any prisoner at the Charleston County Prison Farm who is serving a sentence of one year or more can acquire an additional thirty days of credit for each six-month period served in confinement when his conduct during that period is determined by the Charleston County Council to be meritorious.

Article III, Section 34 of the South Carolina Constitution prohibits the General Assembly from enacting any local or special law ‘where a general law can be made applicable.’ See, CONST. Art III, § 34(IX). In order to determine whether the aforementioned proposal is unconstitutional it would have to appear that a general law on the subject can be made applicable.

There is, it should be noted, a statute which allows any prisoner in the custody of the Department of Corrections to receive good time credit for meritorious service; CODE OF LAWS OF SOUTH CAROLINA § 55–82 (*Cumulative Supplement*); however, there is no statute which allows prisoners who are confined in county prisons to receive such credit. The proposal under study would remove that inequity only in Charleston County. Obviously, a general law which allowed any prisoner in a county prison to earn good time credit for meritorious service, if such were enacted by the General Assembly, would be applicable to those confined as prisoners at the Charleston County Prison Farm. The proposed statute, therefore, is clearly unconstitutional in that a general law on the subject can be made applicable. Cf. *Mills Mill v. Hawkins*, 232 S. C. 515, 103 S. E. (2d) 14.

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Deputy Attorney General

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