

1973 WL 26695 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1973

*1 Mr. Willie Hough
Route 8
Box 21
Sumter, South Carolina 29150

Dear Mr. Hough:

This office is in receipt of your letter dated March 27, 1973, addressed to the Attorney General, and he has referred the same to me for reply. You have made an inquiry concerning the 'good time law' as it relates to county public works, and have indicated that the present practice in Sumter County is to award credit for good behavior only to persons with sentences of sixty (60) days or more.

Please be advised that the matter of 'good time' is controlled by State law and may be found in Section 55-8, Code of Laws of South Carolina (1962). That section, in pertinent part provides:

(1) Each prisoner convicted of an offense against this State and confined in the State Penitentiary or in a county jail, or upon the public works of any county in this State for a definite term, whose record of conduct shows that he has faithfully observed all the rules of the institution wherein he is confined and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence, beginning with the day on which the service of sentence commences to run, to be computed at the rate of fifteen days for each month served.

It is and has been the opinion of this office, that a prisoner must be serving a sentence in excess of thirty days before he is entitled to good behavior credit. 1966-67 Ops. Atty. Gen., No. 2269, p. 80. Thus the prisoner serving a sentence of thirty (30) days only is not entitled to credit for good behavior under the laws of this State.

While I am unable to determine from your letter the extent of your interest in the matter and am satisfied that some misunderstanding must exist, I am nevertheless, forwarding to Mr. E. M. Dubose, County Administrator for Sumter County, copies of this letter and yours.

I trust the foregoing will provide the information desired.

Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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