

1973 WL 26791 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 27, 1973

*1 L. C. Hughey
Chief of Police
Union Police Department
Union, South Carolina 29379

Dear Chief Hughey:

You have inquired (1) whether the Layor or city recorder of Union have a legal right to suspend a sentence he has imposed or any part thereof; and (2) as to the legality of the issuance of a warrant and a higher bond for persons that are delinquent in paying fines stemming from meter violations.

As to the first question, Attorney General Opinions No. 610, written in 1958 and No. 1827 written March 24, 1965, specifically states that most city recorders do not have authority to suspend sentences. SEE LSO: §§ 15-1016 and 15-1017 CODE OF LAWS OF SOUTH CAROLINA (1962).

The mayor or recorder of the City of Union (population 10,775) is not empowered to suspend sentences.

Regarding the second question, a recorder or a mayor of a city has the power to issue arrest warrants for violations of Municipal ordinances. Section 15-1087 of the Code empowers the Recorder of Union of 'to issue summonses, subpoenas, arrest warrants and search warrants.' This power may be used 'in all cases arising under the Ordinances of a municipality in which the office is created . . . ' § 15-922 of the S. C. Code of Laws (1962).

If no provision is made for the issuing of warrants for the apprehension of offenders against municipal ordinances, the effect of such omission is not to abrogate the general law on the subject of arrest, but to afford the municipality no means of bringing the offender to account other than those for which the general law makes provision. 5 ?? Jur. 2d Arrest § 38.

It is clear that in order to bring those persons delinquent in paying such parking fines within the jurisdiction of the municipal court, an arrest warrant must issue. The Recorder or the Mayor of Union may legally issue such a warrant for offenders against a municipal ordinance.

Respectfully yours,

Dorotny A. Manigault
Law Clerk

1973 WL 26791 (S.C.A.G.)

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.