

1973 WL 26804 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 6, 1973

**\*1 In Re: Litter Law, R292 (1973)**

James A. Stuckey, Jr., Esquire  
Attorney at Law  
Charleston County Health Department  
18 Broad Street  
Charleston, South Carolina

Dear Mr. Stuckey:

You have inquired whether or not magistrates have jurisdiction of violations of the State's anti-littering law, R292(1973). The penalty provided is 30 days or \$200, and the Act reads in part:

‘—notwithstanding any other provision of law magistrates shall have jurisdiction to try violations of the provisions of this section.’

Article V of the State Constitution, as amended (1973), provides:

‘The General Assembly shall provide for their [magistrates]—civil and criminal jurisdiction.’

Since this Act is a State-wide measure, no question of prohibited local legislation is involved; and, although there is a general law on the subject, i.e. Section 43-63, 1962 Code of Laws of South Carolina, the penalty provision of Act R292 appears to be a permitted special provision in a general law, and, therefore, not prohibited special legislation. It is stated in 39A Words and Phrases 362, Special Provisions in General Laws:

‘[S]pecial provisions—means provisions in general laws which, while having a limited application, must not be so inconsistent with the general scheme or purpose of the statute as to prevent substantial uniformity of operation throughout the State. S. C. Cases cited as authority.

In view of the foregoing, it is the opinion of this Office that magistrates have jurisdiction to dispose of violations of Act R292 of 1973.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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