

1973 S.C. Op. Atty. Gen. 258 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3593, 1973 WL 21048

Office of the Attorney General

State of South Carolina

Opinion No. 3593

August 8, 1973

***1 Magistrates have jurisdiction to try cases under Section 16–558, Code of Laws of South Carolina, Public Disorderly Conduct or Shooting.**

Magistrate
Rock Hill, S. C.

You have requested an answer to the following question:

Do magistrates have jurisdiction to try cases under Section 16–558, Code of Laws of South Carolina, Public Disorderly Conduct or Shooting?

In an opinion of this Office written January 5, 1967, Mr. Joseph C. Coleman expressed the belief that such an offense was outside the jurisdiction of the magistrate. This opinion was based on the fact that Section 16–558 of the 1962 Code did not prescribe a penalty for such a violation. Subsequent to this opinion, the legislature amended Section 16–558 to its present form which appears in the 1971 Cumulative Supplement to the Code. Under the most recent amendment the penalty prescribed is a fine of not more than \$100 or imprisonment for not more than thirty days.

It would seem that the intent of the legislature in amending the above cited Section was to bring the offense within the jurisdiction of magistrate's courts. Therefore, at the present time, the previous opinion of this office in this regard is no longer valid and cases involving Section 16–558 are now within the magistrate's jurisdiction.

Hutson S. Davis, Jr.
Assistant Attorney General

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