

1973 WL 27589 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 28, 1973

***1 RE: No. 227—Penitentiary—Misc.**

Mr. Lee Thomas
Executive Director
Office of Criminal Justice Programs
Room 401
Lagar ?? Brown Building
Columbia, South Carolina 29201

Dear Mr. Thomas:

This Office has been requested by Mr. David C. Forbes, Court Liaison Officer with the Alcohol and Drug Addiction Services, to review their Grant Application Review Form (1974) and to advise whether or not there is any legal problem in the proposed transfer of inmates from the Department of Corrections to the South Carolina Alcohol and Drug Addiction Center for treatment as is contemplated in the program outlined in the Grant Application.

As I understand it, the Alcohol and Drug Addiction Center will be treating individuals who have alcohol or drug related problems, some of whom are currently confined in the South Carolina Department of Corrections.

Section 55-303.1 of the Code of Laws of South Carolina, provides, inter alia, that:

The Director [of the Department of Corrections] may extend the limits of the place of confinement of a person [i.e., an inmate] as to whom there is reasonable cause to believe he will honor his trust, by authorizing him under prescribed conditions to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

....

(3) Obtain medical services not otherwise available; or

(4) Participate in a training program in the community or any other compelling reason consistent with the public interest:

....

Sections 55-303.1(3) and (4) would, in my opinion, provide the necessary statutory authority for the Director of the Department of Corrections to transfer inmates under his control and jurisdiction to the South Carolina Alcohol and Drug Addiction Center for the purpose of obtaining medical services and/or training as is contemplated in the Grant application. Any decision concerning transfer of inmates to the Alcohol and Drug Addiction Center pursuant to the provisions of this statute would be within the sole discretion of the Director of the Department of Corrections, and would be governed by the applicable provisions of Section 55-303.1, et seq.

I hope that the foregoing sufficiently answers the question which was posed, and if we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

Ellison D. Smith, IV
Assistant Attorney General

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