

1972 S.C. Op. Atty. Gen. 59 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3262, 1972 WL 20409

Office of the Attorney General

State of South Carolina

Opinion No. 3262

February 17, 1972

***1 In Re: Municipal Courts; Jurisdiction in First Offense Drunk Driving Cases**

Gerald R. Clay, Esq.
Attorney at Law
702 Washington Street
Abbeville, South Carolina 29620

Dear Mr. Clay:

You have inquired whether or not municipal courts have jurisdiction to try first offense drunk driving cases involving State law, inasmuch as conviction requires suspension of the driver's license as well as a 30-day or \$100 fine penalty.

Suspension of a license is an in rem proceeding and is not considered as part of the criminal penalty for drunk driving. It is the opinion of this Office that municipal courts have jurisdiction of first offense drunk driving violations under State law (46–343) under provisions of Section 46–685, 1962 Code of Laws of South Carolina.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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