



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
 ATTORNEY GENERAL

April 8, 2002

The Honorable Harriett S. Pierce
 Probate Judge, Kershaw County
 1121 Broad Street
 Camden, South Carolina 29020

Re: Informal Opinion

Dear Judge Pierce:

You have asked for an interpretation of S.C. Code Ann. Section 14-17-210 which gives the Clerk of Court control of the courthouse. You wish to know whether the Clerk's authority applies "to the Circuit Court courtroom, petit jury room, etc., or could it be the entire courthouse?"

Law / Analysis

Section 14-17-210 provides as follows:

[e]very clerk shall have charge of the courthouse within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars for the use of the county, to be recovered by indictment.

The statute speaks in terms of the Clerk of Court having control of the courthouse building, providing that the Clerk keep the building "open" for "public use" and "at all other times keep it closed."

Recently, in an Informal Opinion dated February 23, 2000 (2000 WL 356787), the following was concluded,

[t]his Office has previously interpreted the phrase "shall have charge of the courthouse" to mean that the Clerk of Court is vested with custody and control over the courthouse and that the Clerk is entrusted by the statute with the management of the building in all respects except where alterations or additions to the courthouse are involved. Op. Atty. Gen. dated December 8, 1961. Therefore, we advised that the

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maintenance and upkeep of the courthouse falls within the jurisdiction and authority of the Clerk of Court. Id.

That same opinion concluded that the authority bestowed by Section 14-7-210 did not extend to the courthouse parking lot.

Accordingly, we read Section 14-7-210 as extending to the entire courthouse building. While it is true that the statute was first enacted long ago in 1839, the General Assembly has not seen fit to repeal it. Of course, the Clerk's authority may not be deemed to conflict with other statutes relating to the Probate Court, such as for the Court to maintain its own records pursuant to Section 14-23-1100. See. Op. Atty. Gen. No. 84-90 (July 26, 1984).

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,



Robert D. Cook
Assistant Deputy Attorney General

RDC/an