

The State of South Carolina



Office of the Attorney General

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July 31, 1992

The Honorable Liz Godard
Aiken County Clerk of Court
P. O. Box 583
Aiken, South Carolina 29802-0583

Dear Ms. Godard:

In a letter to this Office you questioned the applicability of recent legislation, R.515, which provides a three percent collection cost charge for fines and restitution payments, to court costs assessed against defendants. R.515 states in particular:

Where general sessions fines or restitution payments are paid through installments, a collection cost charge of three percent of the payment also must be collected by the clerk of court from the defendant and transferred to the county treasurer for deposit to credit of the county general fund in the same manner other funds collected by the clerk of court are transferred to the county treasurer for deposit to the county general fund.

As explained by you, the type costs you are referencing are those such as the State Law Enforcement Training Council fee and State Law Enforcement Hall of Fame Committee fee authorized pursuant to Section 23-23-70 of the Code, the community corrections assessment authorized by Section 24-23-210 of the Code, and the fifty dollar assessment authorized by Section 56-5-2950 (a) of the Code for individuals convicted of driving under the influence if a chemical test was administered. Such assessments are in addition to any fine imposed.¹

¹ Section 23-23-70 states that the assessments for the Criminal Justice Academy "... must be added to and be levied above the fine or forfeiture imposed." Such statute

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Generally, in interpreting a statute the primary purpose is to ascertain and effectuate the actual intent of the legislature. Multi-Cinema Ltd. v. S.C. Tax Commission, 292 S.C. 411, 357 S.E.2d 6 (1987). In construing a statute, words must be given their plain and ordinary meaning without resorting to subtle or forced construction for the purpose of limiting or expanding the statute's operation. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). If a statute's language is plain and unambiguous, there is no occasion for employment of rules of statutory interpretation and a court cannot impose another meaning. Chestnut v. S.C. Farm Bureau Mutual Ins. Co., 298 S.C. 151, 378 S.E.2d 613 (Ct. App. 1989).

R.515 in providing for the three percent collection charge particularly references "general sessions fines or restitution payments ... paid through installments." No reference is made to any other costs or assessments. It appears therefore that costs and assessments such as those referenced above must be distinguished from fines and restitution payments and as a result, the three percent charge is not applicable to such costs and assessments.

With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions

¹ Continued from Page 1

further provides that the twenty-five cents for the Hall of Fame "... must be added to each fine or forfeiture." Pursuant to Section 24-23-210 the assessment for the community corrections program is "in addition to any other costs or fines imposed by law." The fifty dollar fee for DUI offenders is assessed at time of sentencing and is likewise in addition to any fine imposed.