

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-758-8820

April 30, 1986

Honorable Caldwell T. Hinson
513 Gressette Building
Columbia, South Carolina 29202

Re: City of Lancaster
Omnibus Crime Bill Request No. 2209

Dear Senator Hinson:

You have requested this Office to provide information to you concerning the City of Lancaster's ticket surcharge from the Omnibus Crime Bill, S.459. As you are aware, the Bill is presently before a conference committee resolving differences between the versions of the Bill. In responding to your request, we have reviewed the version last amended by the Senate, March 18, 1986. In 1985, S.C. CODE ANN. § 14-1-210 was enacted, requiring that after July 1, 1985, a cost of court fee of \$7.75 be assessed for every conviction in magistrate or municipal courts to fund local correctional facilities. The fund developed from these fees would be set aside for use by the Budget and Control Board in this specific area. S.C. CODE ANN. § 14-1-230 (1985). In S.459 § 40, presently pending in the General Assembly, we understand that § 14-1-210 is proposed to be amended to delete the funding of "local correctional facilities" and instead fund programs established by the Department of Parole and Community Corrections pursuant to Chapter 21 of Title 24. Additionally, pursuant to the proposed legislation, the cost of court fee of \$7.75 will continue to be assessed for magistrate and municipal court cases. One new change in the pending version is that no fee will be assessed where a term of imprisonment only is imposed as punishment.

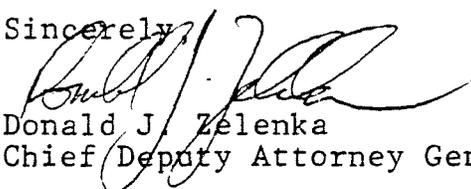
Honorable Caldwell T. Hinson
Page 2
April 30, 1986

The inquiry also reflects that general statement that "persons sentenced to less than one year will no longer be housed in a county detention center." Under the pending version, as is present law, individuals sentenced to three months or less will continue to be housed in the local detention facility. S.C. CODE ANN. § 24-3-20, 30 (1976).

In addition, the inquiry asks what plans are intended for the funds. As stated earlier, those funds are presently under the control of the Budget and Control Board. S.C. CODE ANN. § 14-1-240 (1985). As I am sure you can understand, this Office cannot provide a legal opinion with respect to the plans of the Board in this area, since such is a policy matter for the Board to determine. Cf. OP. ATTY. GEN. April 18, 1986. Under the proposed Bill, these funds "shall be available to the General Assembly for appropriation to programs established pursuant to Chapter 21 of Title 24 of the 1976 CODE and appropriations authorized by Section 17-21-90 of the 1976 CODE OF LAWS as amended." Of course, as noted above, the Bill is presently in conference committee and is subject to possible revision.

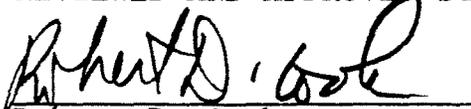
If you have any additional questions, please contact me.

Sincerely,


Donald J. Zelenka
Chief Deputy Attorney General

bbb

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions