

1983 WL 181807 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1983

*1 Mr. Lee O. Sturkey
Attorney at Law
P. O. Drawer E
McCormick, SC 29835

Dear Mr. Sturkey:

You have recently asked this Office for an opinion regarding financial responsibility for a state prisoner in a county facility.

An Opinion issued by this Office on February 27, 1979, is responsive to this issue. Sheriffs, their deputies, and patrolmen and officers of the South Carolina Highway Patrol are authorized to make arrests for violations of State, County, and Municipal laws. [Sections 23-15-50, 23-13-20, 23-13-70, 23-5-40, Code of Laws of South Carolina \(1976\)](#).

The sheriff has custody of the county jail and shall receive and safely keep in prison any person delivered or committed to him. [Section 24-5-10, Code of Laws of South Carolina \(1976\)](#). Convicted persons are in the custody of the Board of Corrections of South Carolina, [Section 24-3-20, Code of Laws of South Carolina \(1976\)](#). Therefore, it appears that the county jail is the general jail for the incarceration of the pre-trial detainees and that the county authorities are responsible for the custody and safe keeping of the prisoners. The role of custodian of the county jail places upon the sheriff of the county the obligation to supply the necessities of life to all lawfully detained prisoners.

It is the opinion of the Office that the Town of McCormick is responsible for the care and maintenance of prisoners arrested and/or convicted of violations of ordinances or of state criminal offenses within the jurisdiction of the Municipal Court, if those prisoners are lodged in the County Jail. The county is responsible for the care and maintenance of individuals charged with a violation of State law and the case is within the jurisdiction of the Court of General Sessions.

Sincerely,

Arlene D. Hand
Staff Attorney

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