

1981 WL 158096 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 17, 1981

*1 The Honorable Caroline W. Mattos

Clerk of Court

Greenville County Courthouse

Greenville, South Carolina 29601

Dear Ms. Mattos:

In a letter to this office, you questioned what course of action can be taken to collect an assessment imposed pursuant to the provisions of recent legislation bearing ratification number R148 upon a defendant who pleads guilty or is found guilty of an offense within the jurisdiction of the Court of General Sessions when such defendant refuses to pay the assessment. As you are aware, pursuant to an opinion of this office dated July 30, 1981, a twenty-dollar (\$20.00) assessment is to be imposed on such a defendant regardless of the sentence imposed, i.e., whether a fine or term of imprisonment. Furthermore, the referenced Act also provides for the possible imposition of an assessment, commensurate with the offense committed, when sentencing a person convicted of an offense which has caused physical injury or death to the victim.

A review of such Act indicates no provisions directing how to proceed to collect an assessment imposed where a defendant refuses to pay such and where such assessment has not been suspended pursuant to Section 24-23-210(B). However, failure to pay any assessment properly imposed could, upon proper showing, constitute contempt of court. While the possibility of a finding of contempt of court, with penalties being imposed as a result, may be of some assistance in collecting an assessment imposed on an individual who previously received a sentence of a fine after a determination of guilt was made, obviously, such would not be of much assistance in collecting on an assessment imposed on a defendant who received a sentence of imprisonment, especially where the sentence was lengthy. Therefore, it appears that such assessments may in some instances be quite difficult to collect. This is an area where further legislation would be helpful.

With best wishes,

Sincerely,

Charles H. Richardson

Assistant Attorney General

1981 WL 158096 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.