

1982 WL 189475 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 27, 1982

***1 RE: Early Release of Prisoners at Fairfield County Detention Center**

Kenneth G. Goode, Esquire
Fairfield County Attorney
P. O. Box 488
Winnsboro, S. C. 29180

Dear Mr. Goode:

I am in receipt of your requests to this Office for an opinion concerning the proposed early release of inmates at the county detention center whose sentences end between 8:00 Friday and midnight the following Sunday to be released on the Friday at 8 o'clock p.m. As set out, the plan would be limited to these inmates serving a sentence of 90 days or less. We regret to inform you that the proposed early unconditional release would not be proper under South Carolina law.

Please be advised that under the present state of corrections law in South Carolina, the county prisoners must be held through the duration of the sentence imposed given proper credits due under state law. See: [§ 24-13-210](#), [24-3-35](#), [Code of Laws](#) (1976), as amended. The premature release of prisoners is limited by statute to the specific circumstances set out in [§ 24-13-270](#), [Code of Laws](#) (1976). Inasmuch as your proposed situation does not fit within the statute, such early release cannot occur.

Furthermore, please be advised that this premature release could subject the custodial officers to potential criminal liability (§ 24-3-910) or civil liability to potential victims of the prematurely released inmate. This Office appreciates the fiscal and physical constraints that the Fairfield Council is trying to mitigate, but the present state of the law in South Carolina does not provide for this remedy.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

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