

1982 WL 189443 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 27, 1982

\*1 J. Leon Gasque  
Assistant Director  
State Law Enforcement Division  
Broad River Road  
Post Office Box 21398  
Columbia, South Carolina 29221

Dear Leon:

Further to the subject of the State's recovery from a bondsman of the cost of returning a defendant who has fled the State, I have discussed the subject with several attorneys in this Office who are familiar with criminal bonds. It is the consensus, without detailed research, that the judge admitting an accused to bail would not be prohibited, as a condition of the bail, from requiring that the bond posted be conditioned (among other conditions as the court may set) upon the accused paying to the State the cost of sending officers to return the accused to this State after he has been extradited, or waived extradition, from another State. It will be necessary of course that this condition be plainly stated in the bond and particularly provided that the costs would be paid to the law enforcement agency or agencies which incur the expenses. Otherwise, upon estreatment of the bond the money would go to the General Fund of the State or county as provided by law.

It is also our opinion that it would be advantageous if the General Assembly were to amend the bond law to require such condition, as this is a source of considerable expense to law enforcement agencies. We are advised that the cost now exceeds \$100,000 per year.

If you wish a formal opinion on this subject we will be glad to oblige.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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