

1977 S.C. Op. Atty. Gen. 266 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-336, 1977 WL 24675

Office of the Attorney General

State of South Carolina

Opinion No. 77-336

October 27, 1977

*1 TO: Neal Forney
Assistant Director
S. C. Court Administration

QUESTION PRESENTED:

Is disposition of the charges of carrying concealed weapons within the jurisdiction of the Magistrates' Courts?

AUTHORTIES:

Section 16–23–460 of the 1976 Code of Laws of South Carolina, and

Act No. 113 of 1977.

DISCUSSION:

You have inquired as to the jurisdiction of the magistrates' courts to dispose of charges of carrying concealed weapons.

That offense is presently contained in Section 16–23–460 of the 1976 Code of Laws of South Carolina, which makes it unlawful for any person to carry concealed about his person a dirk, slingshot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, the punishment for which would be a fine of not more than Five Hundred (\$500.00) Dollars and not less than Two Hundred (\$200.00) Dollars or imprisonment for not more than ninety (90) days nor less than thirty (30) days. Clearly, the punishment provided by Section 16–23–460 exceeds the jurisdictional limits of the magistrates' courts and, therefore, could not properly be disposed of therein under the law in its present form. See Act No. 113 of 1977.

CONCLUSION:

Therefore, it is the opinion of this Office that the magistrates' courts do not have jurisdiction to disposed of charges of carrying concealed weapons.

Richard P. Wilson
Assistant Attorney General

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