

1979 WL 43211 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1979

*1 James R. Epps, Esquire
P. O. Box 367
Lake City, S. C. 29560

Dear Mr. Epps:

You have recently asked the opinion of this Office concerning whether Florence County may refuse to accept prisoners from the City of Lake City and whether the County can lawfully charge the municipality for the confinement of those prisoners.

[Section 14-25-90, Code of Laws of South Carolina, \(1976\)](#) provides that upon conviction by a municipal authority for 'breach of peace, any riotous or disorderly conduct, open obscenity, public drunkenness or any other conduct grossly indecent or dangerous to the citizens of such city or town or any of them,' the person so convicted may be committed 'to county jail.' [Section 14-25-100 Code of Laws of South Carolina, \(1976\)](#) states that: 'If the offender be committed to jail it shall be done at the expense of the city or town.'

This language was contained in Section 22, South Carolina Code of Criminal Procedure (1922) which was interpreted by the South Carolina Supreme Court to require the county jailer to receive offenders against the laws of the municipalities into the county jail and the municipal authorities to pay the expenses for their care and confinement. [Greenville v. Pridmore, 162 S.C. 52, 160 S.E.2d 144 \(1931\)](#).

Therefore, because of the statutory mandates and the South Carolina Supreme Court's interpretation of those mandates, it is the opinion of this office that the County of Florence must accept prisoners who are sentenced for violation of Lake City ordinances and that the municipality must bear the costs of the incarceration.

Very truly yours,

Corinne G. Russell
State Attorney

1979 WL 43211 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.