

1979 WL 42703 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 11, 1979

***1 RE: Exemptions from Serving on Juries**

Joseph M. McCulloch, Jr., Esquire
Staff Attorney
S.C. Court Administration
S.C. Supreme Court
P.O. Box 11788
Columbia, SC 29211

Dear Joe:

You have requested the opinion of this Office concerning several questions regarding exemptions from services as a juror provided to particular categories of occupations.

Your first question regards whether the provisions of § 29-3-930 which provides:

All guards, keepers, employees and other officers employed at the penitentiary shall be exempted from serving on juries and from military or street duty.

You have asked whether this exemption is applicable only to those persons actually serving at the penitentiary or whether, by implication, it extends to all persons who are employed by the South Carolina Department of Corrections.

It is the opinion of this Office that only those persons employed at the penitentiary are exempted from services by the statutory provision cited. The statute is quite explicit and, had the Legislature so chosen, it could have exempted all persons employed by the Department of Corrections. It did not, however, choose to do so. Apparently, the Legislature felt that those persons who were actually serving in the daily operations of the prisons themselves were more critically needed in that capacity than other members of the Department of Corrections whose physical presence on any particular day would be of less critical importance.

You have also asked whether the 'officers and employees of State mental health facilities' are still exempted from jury duty. [Section 14-7-850 of the 1976 Code](#) included an exemption for such employees among the occupations listed as exempted from jury duty. This Section was amended by Act 579 of 1978 which did not include such employees and officers of State mental health facilities. However, § 44-11-90 provides:

All officers and employees of State mental health facilities shall be exempted from serving on juries and from all State military duty.

This section was not repealed by the Legislature and, accordingly, it is the opinion of this Office that employees of State mental health facilities and their officers continue to be exempted from serving on a jury. [Section 14-7-850](#) does not include a exhaustive list of all persons exempted from jury duty. Accordingly, the existence of an exemption in another statute continues to provide an exemption notwithstanding the omission of such personnel from the revision of [§ 14-7-850](#).

I hope this has been of some assistance to you.

Very truly yours,

Katherine W. Hill
Assistant Attorney General

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