

1979 WL 43567 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 6, 1979

***1 Re: Opinion Request**

Thomas W. Thomas, Esquire
P. O. Box 190
Lancaster, S. C. 29720

Dear Mr. Thomas:

You have recently asked the opinion of this office concerning whether the sheriff, who has custody of the county jail, may refuse the transfer of prisoners from the municipal jail when such prisoners are charged with offenses which are in the jurisdiction of the Court of General Sessions. You have further asked whether the financial responsibility of the municipality ends if such a transfer is effected.

As stated in my opinion letter to you of August 7, 1979, it appears that the county jail is the general jail for the incarceration of pre-trial detainees and that the county authorities are responsible for the custody and safekeeping of those prisoners committed to them. Moreover, it appears that it is mandatory that the county authorities accept any pre-trial detainee who is charged with a crime within the jurisdiction of the Court of General Sessions whether it be by delivery by a law enforcement officer who made the arrest or by transfer from a municipal jail.

Also, in accordance with my August 7, 1979, letter financial responsibility for the incarceration rests with the governmental body which operates the facility within which the pre-trial detainee is held.

Therefore, it is the opinion of this Office that the county jail must accept the transfer of prisoners from the municipal jail when such prisoners are charged with offenses which are in the jurisdiction of the Court of General Sessions and that upon such a transfer, the financial responsibility of the municipality ends.

Sincerely,

Corinne G. Russell
State Attorney

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