

1978 WL 34897 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 4, 1978

\*1 Mr. Henry Jackson  
Office of the Clerk of Court  
Drawer 1128  
Beaufort, S. C. 29902

Dear Mr. Jackson:

In your letter of April 26, 1978, to this Office you requested an opinion as to the propriety of your allowing a particular group to use the courtroom in the Beaufort County Courthouse at night. As Clerk of Court you are in charge of the courthouse inasmuch as [Section 14-17-210, Code of Laws of South Carolina](#), 1976 states that:

Every clerk shall have charge of the courthouse within his county, open the same when required for public, use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five (\$5.00) dollars for the use of the county, to be recovered by indictment.

A previous opinion of this Office, a letter from Kenneth P. Woodington, Assistant Attorney General to James H. Lengel dated December 13, 1977, referred to the above section and indicated that based on this section, it is a crime for the Clerk of Court to keep a courthouse open at night.

A further legislative enactment, Act No. 809, 1964 Acts and Joint Resolutions of South Carolina, p. 1888-1889 stated that:

. . . the office hours of all Beaufort County Offices and the working hours of all employees therein shall be from 8:30 a.m. until 5:30 p.m. on Monday through Friday of each week. The head of any department or office may keep his office open for such additional hours as he may deem necessary.

As can be seen, the head of a department or office may keep his office open such additional hours as are necessary. However, there is no specific reference allowing the courtroom itself to be 'opened' at night. Additionally, I am unaware of any other provision which authorizes you as Clerk of Court to open the courtroom at night and thus, [Section 14-17-210, supra](#), would appear to control in this situation.

With best wishes, I am  
Very truly yours,

Charles H. Richardson  
Assistant Attorney General

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