

1978 WL 35000 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 27, 1978

*1 Honorable A. Lee Chandler
Judge
Fourth Judicial Circuit
P. O. Box 9
Darlington, S. C. 29532

Dear Judge Chandler:

You have recently asked the opinion of this office concerning the proper Court for the hearing of probation violations where the subject of the probation is sentenced in one Circuit, his probation is monitored in a second Circuit, and a violation of probation occurs in that second Circuit.

Section 24-21-450 provides that:

At any time during the period of probation or suspension of sentence the court, or the court within the venue of which the violation occurs, may issue or cause the issuing of a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. [Section 24-21-450 Code of Laws of South Carolina \(1976\)](#).

[Section 24-21-450](#) provides that:

Upon such arrest the court, or the court within the venue of which the violation occurs, shall cause the defendant to be brought before it and may revoke the probation or suspension of sentence . . . [Section 24-21-460, Code of Laws of South Carolina \(1976\)](#).

Even giving the narrowest construction possible to the above language, it is the opinion of this office that in the case presented by you, either of the Courts involved has jurisdiction to hear the matter.

Therefore, based on general principles of statutory construction, it is the opinion of this office that the Court which sentences an individual to a probationary sentence and the Court of the Circuit within which a violation of that probationary sentence occurs, may hear the matter of the probation violation.

Very truly yours,

Corinne G. Russell
Staff Attorney

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