

1978 S.C. Op. Atty. Gen. 200 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-173, 1978 WL 22641

Office of the Attorney General

State of South Carolina

Opinion No. 78-173

October 19, 1978

**\*1 SUBJECT: Magistrates, Municipal Courts, Juveniles**

A defendant under seventeen years of age charged with a traffic violation who fails to comply with the sentence issued by a magistrate's or municipal court, would be treated the same as any other defendant who fails to comply with the sentence of such a court.

TO: Honorable Harry C. Walker

Judge

City View Municipal Court

QUESTION:

What procedure should be followed when a defendant under seventeen years of age charged with a traffic violation fails to comply with the sentence issued by a magistrate's or municipal court?

STATUTES AND CASES:

Act 609 of 1978 Acts and Joint Resolution of the General Assembly of South Carolina.

DISCUSSION:

In a letter dated September 18, 1978 Neal Forney referenced a letter you had written to him pertaining to the jurisdiction of magistrates and municipal judges over a person under seventeen years of age charged with a traffic violation. In your letter you specifically asked the above referenced question.

With reference to such, please be advised that Act No. 609 of the 1978 Acts and Joint Resolution specifically states in part: Notwithstanding any other provisions of this article, the magistrate courts, municipal courts and circuit courts of this State shall have concurrent jurisdiction with the family courts for the trial of persons under seventeen years of age charged with traffic violations when such courts would have jurisdiction of the offense charged if committed by an adult.

Therefore, with reference to the provisions of this Act, in the opinion of this Office, a defendant under seventeen years of age charged with a traffic violation who fails to comply with the sentence issued by a magistrate's or municipal court, would be treated the same as any other defendant who fails to comply with the sentence of such a court. Your suggestion that a municipal court would at such time have the authority to place such a defendant under the jurisdiction of the Family Court would be inappropriate inasmuch as the municipal court would be the court with jurisdiction over such defendant and it would be improper to attempt to transfer the jurisdiction to the Family Court.

CONCLUSION:

A defendant under seventeen years of age charged with a traffic violation who fails to comply with the sentence issued by a magistrate's or municipal court, would be treated the same as any other defendant who fails to comply with the sentence of such a court. However we would emphasize that any confinement of a juvenile must be in keeping with all statutory, case law, and constitutional provisions relating to such.

Charles H. Richardson  
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