

1976 WL 30540 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 8, 1976

***1 THE PICKENS CIVIL AND CRIMINAL COURT HAS JURISDICTION OVER THE OFFENSE OF ARMED ROBBERY WHEN COMMITTED BY A JUVENILE UNDER THE AGE OF SEVENTEEN.**

Honorable Henry F. Floyd
Member
House of Representatives
Post Office Box 6
Pickens, South Carolina 29671

QUESTION PRESENTED:

Does the Pickens Civil and Criminal Court have jurisdiction over the offense of armed robbery when committed by a juvenile under the age of seventeen.

AUTHORITY:

Act 1232 of 1972, 57 Stats. at Large, p. 2411

Act 22 of 1973, 58 Stats. at Large, p. 15

Act 939 of 1974, 58 Stats. at Large, p. 2059

Section 15-1095, et seq., 1962 Code of Laws of South Carolina, as amended

[Shedden v. State, 265 S.C. 334, 218 S. E. 2d 421 \(1975\)](#)

[State ex rel McLeod v. Court of Probate of Colleton County, 266 S.C. 279, 223 S. E. 2d 166 \(1975\)](#)

DISCUSSION:

The criminal jurisdiction of the Pickens Civil and Criminal Court was originally established by Act 1232 of 1972, 57 Stats. at Large, p. 2411. Act 1232 was subsequently amended by Act 22 of 1973, 58 Stats. at Large, p. 15, and Act 939 of 1974, 58 Stats. at Large, p. 2059.

The amendment to the Court's criminal jurisdiction that was effected by Act 939 of 1974 was challenged by this Office in [State ex rel McLeod v. Court of Probate of Colleton County, 266 S.C. 279, 223 S. E. 2d 166 \(1975\)](#). Holding Act 939 unconstitutional under Article V of the South Carolina Constitution insofar as it attempted to alter the statutes governing the jurisdiction of the Pickens Civil and Criminal Court, the South Carolina Supreme Court stated that the Pickens Civil and Criminal Court would continue to exist with the same powers it possessed on April 4, 1973, the ratification date of Article V of the Constitution.

Act 22 of 1973 became law on February 15, 1973, the date it received the Governor's approval, and was thus in effect on April 4, 1973. Section 3 of Act 22 reads in part as follows:

'The court, in addition to all criminal jurisdiction of the magistrate's courts, shall have concurrent jurisdiction in all criminal cases, involving either adults or juveniles, except murder, rape, assault with intent to ravish, burglary, safecracking, kidnapping and treason.'

This jurisdictional statute would clearly apply to the offense of armed robbery when committed by a juvenile.

Neither do the laws of this State require the Pickens Civil and Criminal Court to deal with such a juvenile offender in accordance with the terms of the Family Court Act. (Code Section 15-1095, et seq., as amended). As stated by the Supreme Court in [Shedden v. State](#), 265 S.C. 334, 218 S. E. 2d 421 (1975):

' . . . the Family Court Act applies only in counties that had established or shall establish a children's court, a domestic relations court, or a court exercising similar jurisdiction.'

Although the jurisdiction of the Pickens Civil and Criminal Court extends to juveniles, it does not exercise the jurisdiction of 'a children's court, a domestic relations court, or a court exercising similar jurisdiction'. Thus, when hearing a case involving a juvenile, the judge of the Pickens Civil and Criminal Court does not sit as a Family Court Judge.

CONCLUSION:

*2 Therefore, it is the opinion of this Office that the Pickens Civil and Criminal Court has jurisdiction over the offense of armed robbery when committed by a juvenile under the age of seventeen.

Joseph C. Coleman
Deputy Attorney General

1976 WL 30540 (S.C.A.G.)