

1974 WL 28105 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 7, 1974

*1 Representative Michael R. Daniel
House of Representatives
State of South Carolina
Columbia, South Carolina

Dear Representative Daniel:

Your letter of April 20, 1974, concerning the legality and statute of distress warrants issued by Cherokee County magistrates has been given to me for answer.

In its 1973 session, as I am sure you are aware, the General amended §§ 41-151 through 41-153, CODE OF LAWS OF SOUTH CAROLINA (1962) (Supp.) to bring the statutes into conformity with the due process requirements of the Constitution of the United States. See 58 STAT. 384 (1973). As the distress statutes are presently codified, they apparently meet existing due process requirements and are constitutional. Furthermore, this office knows of no pending cases attacking the constitutionality of distress warrants issued pursuant to § 41-151, et seq.

If this office may be of further assistance, please do not hesitate to contact us.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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