

1974 WL 27907 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 7, 1974

*1 Ms. Linda J. Ladd
The Independent/Mail Publishing Co.
P. O. Box 2507
Anderson, South Carolina 29621

Dear Ms. Ladd:

You have requested an opinion from this office on the following matter:

'If the legislature reinstates the death penalty, would it have any effect on a crime committed before it was reinstated?'

On July 3, 1974, the South Carolina General Assembly enacted, over the Governor's veto, a death penalty statute and the statute is applicable to crimes, therein enumerated, which are committed on or after that date. The death penalty statute does not have any effect on a crime committed before the statute was enacted; to allow it to apply to crimes committed before the passage of the statute would violate the federal and state constitutional prohibitions against ex post facto laws, which are laws that have a retroactive effect.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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