

1974 WL 27152 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 15, 1974

***1 RE: Jurisdiction to try violations of Section 4-91, South Carolina Code of Laws**

Mr. R. E. Cogdell
Spartanburg Police Department
Spartanburg, South Carolina

Dear Mr. Cogdell:

You have asked this office to advise you as to the jurisdiction of the Spartanburg City Recorder's Court to try and determine cases involving violations of Section 4-91, South Carolina Code of Laws (1962). Section 4-122 provides that municipal courts have such jurisdiction ' . . . where the penalties prescribed do not exceed a fine of one hundred dollars or imprisonment for thirty days . . . ' Section 4-107(3)(a) further provides that any violation of Section 4-91 is a misdemeanor punishable by a fine of not less than six hundred dollars or imprisonment for six months for the first offense. As a result any cases that you have made for violation of this section can only be prosecuted in a criminal court with the necessary jurisdiction.

Please let me know if we can be of further assistance to you in this matter.

Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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