CHAPTER 7

County and Municipal Chain Gangs

**SECTION 24‑7‑60.** Care of persons on public work detail; expenses.

 The governing body of the county shall feed and provide suitable and sufficient employee supervision for the safekeeping of all persons who have received a sentence to public work detail. It also shall provide all necessary equipment and machinery for performing the work required of inmates, all costs and expenses of which must be paid out of the county general fund in the same manner as other charges against the fund are paid.

HISTORY: 1962 Code Section 55‑468; 1952 Code Section 55‑468; 1942 Code Section 3836; 1932 Code Section 3836; Civ. C. ‘22 Section 1079; Civ. C. ‘12 Section 958; Civ. C. ‘02 Section 774; 1893 (21) 486; 2010 Act No. 237, Section 57, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

CROSS REFERENCES

Constitutional provision regarding institutions for confinement of persons convicted of crimes, see SC Const, Art 12, Section 2.

Providing separate cells, etc., for tuberculous prisoners and disinfecting such quarters, see Sections 44‑31‑310, 44‑31‑340.

Library References

Prisons 1.

Westlaw Topic No. 310.

C.J.S. Prisons and Rights of Prisoners Sections 2 to 3.

Attorney General’s Opinions

A defendant sentenced to imprisonment to serve alternatively in the State Penitentiary or upon the public works of the county comes under the administration, supervision, and jurisdiction of the Department of Corrections only upon his actual delivery to and receipt by the Department for confinement within any of its facilities or as provided by law. 1969‑70 Op. Atty Gen, No. 2940, p 195.

While there are no constitutional provisions or statutes which would absolutely preclude a county or municipality from contracting with a private corporation to assist in the operation of a municipal or county jail or prison facility, the county or municipal authorities must maintain adequate supervision or control by virtue of such contract. 1986 Op. Atty Gen, No. 86‑12, p 51.

**SECTIONS 24‑7‑70, 24‑7‑80.** Repealed by 2010 Act No. 237, Section 91, eff June 11, 2010.

Editor’s Note

Former Section 24‑7‑70 was entitled “Cost of dieting county prisoners” and was derived from 1962 Code Section 55‑470; 1952 Code Section 55‑470; 1942 Code Section 3844; 1932 Code Section 3844; Civ. C. ‘22 Section 1086; Civ. C. ‘12 Section 965; Civ. C. ‘02 Section 781; R. S. 2561; 1896 (22) 226.

Former Section 24‑7‑80 was entitled “Clothing of county prisoners” and was derived from 1962 Code Section 55‑472; 1952 Code Section 55‑472; 1942 Code Section 3845; 1932 Code Section 3845; Civ. C. ‘22 Section 1087; Civ. C. ‘12 Section 966; Civ. C. ‘02 Section 782; 1896 (22) 226; 1899 (23) 12.

**SECTION 24‑7‑110.** Medical services for inmates.

 The governing body of each county shall provide access to institutional medical personnel whenever necessary to render medical aid to sick inmates whether awaiting trial or serving a sentence and to preserve the health of the inmate in the county jail, detention facility, prison camp, or other local facility used for the detention of inmates. The fees and expenses of such medical services, as well as for medicines prescribed, shall be paid out of any available funds. This section does not affect the requirements of Section 24‑13‑80 or other existing federal, state, county, or municipal requirements that provide for the medical care of inmates.

HISTORY: 1962 Code Section 55‑480; 1952 Code Section 55‑480; 1942 Code Section 3847; 1932 Code Section 3847; Civ. C. ‘22 Section 1089; Civ. C. ‘12 Section 968; Civ. C. ‘02 Section 784; R. S. 666; 1896 (22) 485; 1932 (37) 1238; 2010 Act No. 237, Section 58, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

CROSS REFERENCES

Examination of prisoners suspected of having tuberculosis, see Sections 44‑31‑320, 44‑31‑330.

Library References

Prisons 17(2).

Westlaw Topic No. 310.

C.J.S. Prisons and Rights of Prisoners Sections 55, 59, 63 to 66, 68 to 69, 71 to 72, 76 to 90, 125, 129, 138.

LAW REVIEW AND JOURNAL COMMENTARIES

Dangerousness and the Mentally Ill Criminal. 21 S.C. L. Rev. 23.

The Historical Background and Present Status of the County Chain Gang in South Carolina. 21 S.C. L. Rev. 53.

**SECTION 24‑7‑120.** Maintenance of municipal inmates.

 The municipal authority of any city or town which utilizes inmate labor shall feed and provide suitable and sufficient employee supervision for the safekeeping of all persons who have received a sentence to public work detail. It shall likewise provide all necessary equipment and machinery for performing the work required of the inmates, all costs and expenses of which must be paid out of the municipal general fund in the same manner as other charges against these funds are paid.

 A municipality may operate its own jail for the purpose of detaining those persons charged with a criminal offense pending release on bond or trial and for the purpose of detaining those individuals who have been tried and convicted of a criminal offense in the municipal court. The governing body of the municipality must provide suitable and sufficient employee supervision and equipment to safely keep all persons charged or detained and must pay all costs and expenses. Where the municipality elects not to operate its own jail, then the municipality may enter into an agreement with other municipalities, preferably in the county of jurisdiction, to operate a joint facility to hold these individuals.

 The municipality also may elect, in the alternative, to enter into an agreement with the county governing body in which the municipality is located. The agreement may require the municipality to pay a fee to offset the costs of detaining the offenders to include, but not be limited to, medical care and treatment of the offenders, all lodging and meal expenses, all transportation and security for court appearances, medical appointments, other transportation as may be necessary, and other miscellaneous expenses as may be mutually agreed upon. Those persons so detained must be in the custody of the county official who has custody of the jail or of the prison camp, as appropriate.

 Municipal inmates sentenced to the county jail or prison camp, pursuant to an agreement, must remain in the custody of the county jail or prison camp and must perform labor as assigned by the facility manager.

HISTORY: 1962 Code Section 55‑482; 1952 Code Section 55‑482; 1942 Code Section 3837; 1932 Code Section 3837; Civ. C. ‘22 Section 1080; Civ. C. ‘12 Section 959; Civ. C. ‘02 Section 775; 1896 (22) 245; 2010 Act No. 237, Section 59, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

Library References

Prisons 17.

Westlaw Topic No. 310.

C.J.S. Prisons and Rights of Prisoners Sections 55, 59, 63 to 66, 68 to 72, 76 to 90, 124 to 125, 129, 138.

Attorney General’s Opinions

While there are no constitutional provisions or statutes which would absolutely preclude a county or municipality from contracting with a private corporation to assist in the operation of a municipal or county jail or prison facility, the county or municipal authorities must maintain adequate supervision or control by virtue of such contract. 1986 Op. Atty Gen, No. 86‑12, p 51.

**SECTIONS 24‑7‑130 to 24‑7‑150.** Repealed by 2010 Act No. 237, Section 91, eff June 11, 2010.

Editor’s Note

Former Section 24‑7‑130 was entitled “Lease of county convicts to other counties” and was derived from 1962 Code Section 55‑483; 1952 Code Section 55‑483; 1942 Code Section 3834; 1932 Code Section 3834; 1923 (33) 233.

Former Section 24‑7‑140 was entitled “Boarding, clothing and keeping of hired convicts” and was derived from 1962 Code Section 55‑484; 1952 Code Section 55‑484; 1942 Code Section 3841; 1932 Code Section 3841; Civ. C. ‘22 Section 1083; Civ. C. ‘12 Section 962; Civ. C. ‘02 Section 778; 1899 (23) 11.

Former Section 24‑7‑150 was entitled “Collection and disposition of money due under contract for hired convicts” and was derived from 1962 Code Section 55‑485; 1952 Code Section 55‑485; 1942 Code Section 3842; 1932 Code Section 3842; Civ. C. ‘22 Section 1084; Civ. C. ‘12 Section 963; Civ. C. ‘02 Section 779; 1899 (23) 11.

**SECTION 24‑7‑155.** Furnishing or possessing contraband in county, municipal, or multijurisdictional jail, prison camp, work camp, or overnight lockup facility prohibited; penalty.

 It is unlawful for a person to furnish or attempt to furnish a prisoner in any county, municipal, or multijurisdictional jail, prison camp, work camp, or overnight lockup facility with a matter declared to be contraband. It is unlawful for an inmate of a facility to possess a matter declared to be contraband. Matters considered contraband within the meaning of this section are those which are designated as contraband and published by the Department of Corrections as Regulation 33‑1 of the Department of Corrections and this regulation must be displayed in a conspicuous place available and visible to visitors and inmates at the facility. The facility manager of a local detention facility, with the approval of the sheriff or chief administrative officer as appropriate, may designate additional items as contraband. Notice of the additional items must be displayed with Regulation 33‑1.

 A person violating the provisions of this section is guilty of a felony and, upon conviction, must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both.

HISTORY: 1979 Act No. 20, Section 1; 2010 Act No. 237, Section 60, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

CROSS REFERENCES

Crimes and offenses generally, see Title 16.

Offenses tried exclusively in magistrate’s court, see Section 24‑3‑965.

Penalty for furnishing alcohol or narcotics to prisoners, see Section 24‑13‑460.

Penalty for possession of tools or weapons for escape, see Section 24‑13‑410.

Penalty for possession of weapon by prisoner and list of articles considered weapons, see Section 24‑13‑440.

Similar provision regarding inmates of state prisons, see Section 24‑3‑950.

Library References

Prisons 17.5.

Westlaw Topic No. 310.