

Types of Violations and Courts in which Prosecuted

TYPES OF VIOLATIONS AND COURTS IN WHICH MAY BE PROSECUTED		
Violation of...	Prosecuted in...	
MUNICIPAL ORDINANCE¹	Municipal (City/Town) Court ² <i>or</i> Magistrate (County) Court <i>ONLY IF approved by governing body of county³</i>	
COUNTY ORDINANCE⁴	Magistrate (County) Court	
STATE STATUTE IN WHICH THE MAXIMUM PENALTY...	Does not exceed \$100 fine or 30 days in jail AND does not include a charge with a penalty that exceeds \$100 fine or 30 days in jail⁵	Magistrate/Municipal Court <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Does not exceed \$500 fine or 30 days in jail⁶	Magistrate/Municipal Court <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Does not exceed \$5,500 fine or 1 year in jail	Magistrate/Municipal Court ⁷ <i>(Limited to only where the solicitor requests transfer of the case from General Sessions Court and Defendant does not object)</i> <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Exceeds \$5,500 fine or 1 year in jail	General Sessions (State) Court <i>or</i> Family Court (<i>under the age of 17</i>)*
FEDERAL STATUTE	U.S. District (Federal) Court	

* In 2016, the General Assembly changed the definition of juvenile to, and the change is scheduled to take effect on July 1, 2019, provided the South Carolina Department of Juvenile Justice receives fund necessary for implementation. 2016 S.C. Act No. 268 (R227, S916).

¹ The penalty for violation of a municipal ordinance cannot exceed \$500 and/or 30 days imprisonment. See S.C. Code §14-25-65.

² S.C. Code §14-25-5(a); S.C. Code §14-25-45.

³ S.C. Code §14-25-5(c).

⁴ The penalty for violation of a county ordinance cannot exceed the penalty jurisdiction of the Magistrates Courts. See S.C. Code § 4-9-30(14).

⁵ S.C. Code §22-3-540 provides that, "Magistrates shall have exclusive jurisdiction of all criminal cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days, except cases in which an offense within the jurisdiction of a magistrate is included in the charge of an offense beyond his jurisdiction or when it is permissible to join a charge of an offense within his jurisdiction with one or more of which the magistrate has no jurisdiction. Magistrates shall have concurrent but not exclusive jurisdiction in the excepted cases. The provisions of this section shall not be construed so as to limit the jurisdiction of any magistrate whose jurisdiction has been extended beyond that stated above."

⁶ See S.C. Code §§14-25-65; 22-3-550. Section 22-3-550 also provides that, except for those cases transferred from the Court of General Sessions under Section 22-3-545, a magistrate cannot sentence a person to consecutive terms of imprisonment totaling more than 90 days except for convictions resulting from violations of Chapter 11, Title 34, pertaining to fraudulent checks, or violations of Section 16-13-110(B)(1), relating to shoplifting. Section 22-3-550(B). In addition, a municipal judge and magistrate may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates provided in Section 22-3-10(2). Section 14-25-65(A); Section 22-3-550(A).

⁷ S.C. Code §22-3-545 provides for the transfer of criminal charges for which the penalty does not exceed five thousand five hundred dollars or one year imprisonment, or both (either as originally charged or as charged pursuant to the terms of a plea agreement) from general sessions court to magistrate or municipal court if the Solicitor requests such, the defendant does not object, and the provisions of the statute are complied with.