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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

April 3, 2002

Richard L. Smith, Chief of Police
Fort Lawn Police Department
P.O. Box 126
Fort Lawn, South Carolina 29714

Re: Your letter of February 25, 2002

Dear Chief Smith:

In the above-referenced letter, you request an opinion from this Office concerning the territorial jurisdiction of a municipal court. By way of background, you indicate that "[t]he Town of Fort Lawn and the County of Chester are in the process of passing an ordinance to give the Fort Lawn Police Department Jurisdiction up to 3 miles outside the City limits. State statute 5-7-30 says this can be done. The statute however does not say which court (Municipal or Magistrates) would have jurisdiction in the 3-mile limit." You also cite S.C. Code Ann. §5-7-110 as authorizing a municipality to contract for police services outside the city limits.

You are correct in your assessment of Section 5-7-30 in that it does provide a municipality "the authority to provide police protection in contiguous municipalities and in unincorporated areas located not more than three miles from the municipal limits upon the request and agreement of the governing body of such contiguous municipality or the county ..." However, Section 5-7-30 also provides that "this shall not extend the effect of the laws of the municipality beyond its corporate boundaries."

Additionally, while it is true that Section 5-7-110 provides that a "... municipality may contract with any public utility, agency or with any private business to provide police protection beyond the corporate limits," this Office has consistently opined that "... the jurisdiction of the municipal court consists of offenses committed within the corporate limits of the municipality ... [and] ... the corporate limits of a municipality are considered as the limits of the territorial jurisdiction of municipality courts." See OP. ATTY. GEN. (Dated May 14, 1996). Further, we opined that "the three mile limit of authority to make arrests granted an officer ... does not affect the territorial jurisdiction of a municipal court." Id.

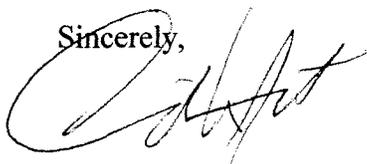
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Accordingly, as neither the authority to arrest nor Section 5-7-30 can extend the territorial jurisdiction of the municipal court, it is my opinion that the magistrate's court "would have jurisdiction in the 3-mile limit" referenced in your request.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,



David K. Avant
Assistant Attorney General

DKA/an