



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

July 30, 2001

Officer Jeremy M. Keller
Blackville Police Department
5997 Lartigue Street
Blackville, South Carolina 29817

Re: Your Letter of July 20, 2001

Dear Officer Keller:

In your above-referenced letter, you request a prior opinion from this Office concerning municipal police jurisdiction on portions of roadways completely outside the municipal limits. To illustrate your question, you provided a map of Blackville, highlighting a portion of Highway 61 which is entirely outside the city limits of Blackville.

I have enclosed copies of three previous opinions from this Office which I believe answer your question (OPS. ATTY. GEN. (Dated October 15, 1996; January 19, 1998[A.G. Dantzler]; January 19, 1998 [Mark Mims])). These opinions would indicate that an officer with the Blackville Police Department, absent some express authority, would not have general jurisdiction on the portion of the highway completely outside the city limits. Specifically, the relevant statute for reviewing your question is S.C. Code Ann. §5-7-155. That Section is titled "[p]olice jurisdiction over certain streets and highways along which municipal boundaries run" and provides:

If any portion of a street or highway is within the boundary of a municipality, the right of way of the street or highway not within the municipal boundary but touching the boundary is nevertheless considered to be within the boundary of that municipality for purposes of its police jurisdiction.

A street or highway which serves as the boundary between municipalities is under the police jurisdiction of both municipalities regardless of the municipality in which the street or highway is located.

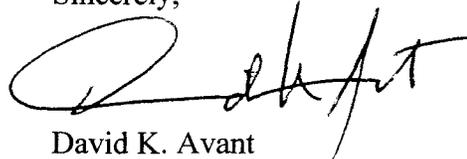
As this Office has previously opined, "The necessary inference of §5-7-155 is that the police jurisdiction over streets or highways would be those streets or highways located in the municipality

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and those streets or highways touching the municipal boundary, but not those streets otherwise beyond the municipal boundary." See OP. ATTY. GEN. (Dated October 15, 1996). Accordingly, without some express authority such as an agreement or hot pursuit exception, the Blackville Police Department would not have jurisdiction on the portions of the roadways completely outside the municipal limits.

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,

A handwritten signature in black ink, appearing to read "D. Avant", written over a horizontal line.

David K. Avant
Assistant Attorney General

DKA/an
Enclosures