

7175 Liberty



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON  
ATTORNEY GENERAL

October 31, 2001

Ms. Monnie M. English  
Agent In Charge  
Marlboro County Probation Office  
P.O. Box 591  
Bennettsville, South Carolina 29512

**Re: Service of Probation Violation Warrants**

Dear Ms. English:

You have requested an opinion from this Office concerning the ability of municipal police officers to assist in the service of probation violation warrants. Specifically, you ask "is it legal for [the municipal officer] to go into the 'County' and assist [probation and parole agents] with the service of [the] warrant if the residence is in the county and not in the city?"

S.C. Code Ann. §24-21-450 provides for the issuance of arrest warrants for defendants who violate the terms and conditions of their probation or suspended sentence. Section 24-21-450 also provides that "[a]ny police officer or other agent with power of arrest, upon the request of the probation agent, may arrest a probationer." This Office has consistently opined that a "city police officer has no authority to arrest outside the city limits unless he is in pursuit and then he may arrest within a three mile radius of the corporate boundaries." See: S.C. Code Ann. §17-13-40.<sup>1</sup> Accordingly, it is doubtful that a municipal police officer would have the "power to arrest" as required by Section 24-21-450 outside the limits of the city in which he is employed. Therefore, it is my opinion that, as a general matter, municipal police

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<sup>1</sup> There are instances where law enforcement officers are authorized to participate in law enforcement activities outside of their normal jurisdiction. For example, Section 23-1-210 provides, by agreement, that "[a]ny municipal or county law enforcement officer may be transferred on a temporary basis to work in law enforcement in any other municipality or county in this State under the conditions set forth in this section, and when so transferred shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred."

*Respectfully*

Ms. English  
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officers should not participate in the service of probation violation warrants outside the city 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 in a cursive style.

David K. Avant  
Assistant Attorney General

DKA/an