

4638 Liberty

# The State of South Carolina



## Office of the Attorney General

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March 20, 1992

Sally M. Rentiers, General Counsel  
South Carolina Department of Agriculture  
P. O. Box 11280  
Columbia, South Carolina 29211

Dear Ms. Rentiers:

You ask whether it is permissible for an employee of the Department of Agriculture to serve on the board of a private, non-profit organization charged with promoting agricultural commodities. You state that the employee would serve on the board without salary or additional benefit.

It is the opinion of this Office that, unless ethical considerations are involved or unless the Department of Agriculture has prohibitions against the activity about which you inquire, state law does not prevent a state employee from serving as a board member of a private, non-profit organization. Of course, questions regarding ethical considerations should be presented to and addressed by the Ethics Commission.

I hope that this has been responsive to your inquiry.

Sincerely,

Salley W. Elliott  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

Robert D. Cook  
Executive Assistant for Opinions

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March 23, 1992

The Honorable Harry F. Cato  
Member, House of Representatives  
418-D Blatt Building  
Columbia, South Carolina 29211

Dear Representative Cato:

In a letter on behalf of a constituent you questioned the territorial jurisdiction of a municipal police officer and in particular the authority of a municipal officer to execute a search warrant outside his municipality but within his county.

Pursuant to Section 5-7-110 of the Code municipal police officers

... shall exercise their power on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated; provided, that the municipality may contract with any public utility, agency or with any private business to provide police protection beyond the corporate limits.

Also, pursuant to Section 17-13-40 of the Code police officers are authorized to

... make arrests of all offenders against the municipal ordinances and statutes of this State committed within the corporate limits or at any place within a radius of three miles of the

The Honorable Harry F. Cato  
Page 2  
March 23, 1992

corporate limits, with or without a warrant, when such police authorities are in pursuit of such offender.

I am also enclosing a copy of a prior opinion of this Office, Op. No. 86-79, which references several provisions which authorize expanded jurisdiction for law enforcement officers, including municipal police officers. Any actions by an officer should be examined in light of such authority for expanded jurisdiction in particular situations.

As to a search warrant, I am enclosing a copy of Section 17-13-140 of the Code which provides for the manner of execution of search warrants generally.

While my comments set forth above provide an overall description of the authority of a municipal police officer, such should not be construed as commenting on the authority or lack of authority of an officer in any particular situation. Such would have to be examined on a case by case basis.

With kind regards, I am

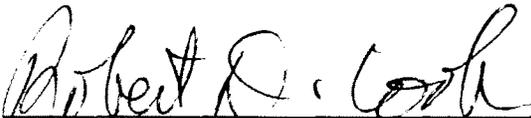
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an  
Enclosures

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Robert D. Cook  
Executive Assistant for Opinions