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The State of South Carolina



Opinion No 87-26
P 233

Office of the Attorney General

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October 22, 1987

John A. O'Leary, Executive Director
South Carolina Criminal Justice Academy
5400 Broad River Road
(J. P. Strom Boulevard)
Columbia, South Carolina 29210-4088

Dear John:

In a letter to this Office you requested clarification of prior opinions of this Office dealing with the minimum age of law enforcement officers in this State. You particularly referenced an opinion dated May 22, 1978 by former Assistant Attorney General Joseph Barker which is inconsistent with the other opinions of this Office in holding that an individual eighteen years of age can serve as a law enforcement officer in this State. Such opinion cited Section 7-5-120 of the Code, which provides that individuals eighteen years of age or older are eligible to vote, as superceding Section 23-23-50 (B) (7) of the Code, which states that candidates for certification as law enforcement officers by the State Criminal Justice Academy must present documentary evidence "... indicating candidate's present age to be not less than twenty-one years."

As stated in an opinion of this Office dated February 28, 1980 pursuant to Section 23-23-50 (B) (7) "... law enforcement officers must complete the basic training course offered by the Criminal Justice Academy and ... (to attend the Academy) ... such officers must be at least twenty-one years of age within one year of their employment." Other opinions have similarly cited this twenty-one years of age statutory requirement to attend the Academy and therefore be eligible to serve as a law enforcement officer in this State. See: Opinions dated July 25, 1978; May 11, 1978; October 31, 1977; August 4, 1976. The July 25, 1978 opinion particularly stated that Article XVII, Section 14 of the State Constitution, which provides that individuals eighteen years of age or older in the absence of other legal disabilities are deemed sui juris and endowed with

Mr. O'Leary
Page 2
October 22, 1987

full legal rights and responsibilities, did not automatically lower the twenty-one years of age requirement to attend the Academy. Of course, pursuant to Section 23-23-40 of the Code certain exceptions to the requirement to attend the Academy within one year of an individual's employment or appointment as a law enforcement are set forth.

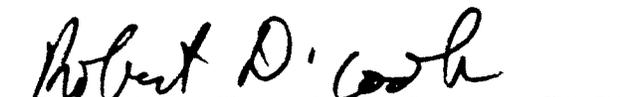
Referencing the above, to the extent the 1978 opinion is inconsistent with the other opinions of this Office and Section 23-23-50 (B) (7) in not recognizing the requirement of such statute that an individual must be at least twenty-one years of age to attend the State Criminal Justice Academy, such prior opinion is overruled. If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions