

1980 WL 120653 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1980

\*1 Honorable James R. Metts  
Sheriff  
Lexington County  
521 Gibson Street  
Lexington, South Carolina 29072

Dear Jimmy:

In a letter to this Office you referenced a situation where the Town of Irmo has proposed to contract for the services of a deputy sheriff. You indicated that the position would be financed by the Town of Irmo and while the officer would function as a town police officer, he would in fact be a Lexington County deputy sheriff. You have asked whether such a deputy sheriff would have jurisdiction in both Richland and Lexington Counties.

Inasmuch as the officer in question would in fact be a duly qualified Lexington County deputy sheriff, he would be restricted to the powers and duties of a deputy sheriff generally. As to your question of whether such a deputy sheriff would have jurisdiction in both Lexington and Richland Counties, [Section 23-13-60, Code of Laws of South Carolina](#), 1976, provides as to deputy sheriffs generally:

'(t)he deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant and in pursuit of the criminal or suspected criminal, enter houses or break and enter them, whether in their own county or in an adjoining county.' (Emphasis added).

Therefore, based on the above, a Lexington County deputy sheriff would be authorized to arrest without warrant while in 'hot pursuit' as referenced by [Section 23-13-60](#) in Richland County. This authority however should not be construed to authorize any additional jurisdiction than that expressly specified by the statute.

I am unaware of any other statutory authority which would permit any other official acts by such a deputy sheriff in Richland County. By [Section 23-13-50, Code of Laws of South Carolina](#), 1976, 'a duly qualified deputy sheriff may perform any and all of the duties appertaining to the office of his principal.' In the case of [DuRant v. Brown Motor Company](#), [147 S.C. 88, 144 S.E. 705 \(1928\)](#), the Supreme Court in holding that a county sheriff is without authority to make seizure in replevin outside his county quoted the following:

'(a)t common law a sheriff has no jurisdiction beyond the borders of his own county, the rule being that the acts of an officer outside of his county or baliwick are unofficial and necessarily void, unless expressly or impliedly authorized by some statute.' [147 S.C. at 92.](#)

Therefore, with reference to the authority of [Section 23-13-50](#) and inasmuch as a sheriff's jurisdiction is limited to his own county as expressed above, a deputy sheriff's jurisdiction would similarly be limited to his own county except as specifically authorized by statute, as by [Section 23-13-60](#).

If there is anything further, please contact me.

Sincerely,

Charles H. Richardson

Assistant Attorney General

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