

1979 WL 42840 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 5, 1979

*1 Capers G. Barr, III
Solicitor
Charleston and Berkeley Counties
Charleston County Court House
Charleston, South Carolina 29402

Dear Mr. Barr:

Attorney General McLeod has referred your letter of February 22 to me. You have asked whether Solicitors' investigators are eligible to participate in the South Carolina Police Officers Retirement System.

Part of the Judicial Reform Bill which was enacted in 1976 and 1977 is [§ 1-7-405, 1976 Code](#) of Laws. That section provides: Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs.

The statute which defines 'Police Officer' for purposes of eligibility to participate in the Police Officers Retirement System is § 9-11-10(6) which provides:

(6) 'Police officer' shall mean any person who receives his salary from an employer and who is required by the terms of his employment either by election or appointment, to give his time to the preservation of public order, the protection of life and property and the detection of crimes in the State. In all cases of doubt the Board shall determine whether any person is a police officer defined herein.

While [§ 1-7-405](#) gives the solicitors discretion to determine the responsibilities of their investigators, it is unlikely that in practice the principal duty of a solicitor's investigator will be anything other than, inter alia, 'the detection of crimes in the State.' Therefore, assuming that the facts are as just stated, it is the opinion of this Office that solicitors' investigators are eligible to participate in the South Carolian Police Officers Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

1979 WL 42840 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.