

1976 WL 30478 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 27, 1976

*1 L. W. Griffin
Chief of Police
City of Sumter
Law Enforcement Center
107 E. Hampton Avenue
Sumter, South Carolina 29150

Dear Chief Griffin:

Your letter of April 13, 1976, has been referred to me by Assistant Attorney General Hutson S. Davis for reply. Therein you inquire as to whether 'municipal police officers have authority to make charges against a driver involved in a traffic accident as a result of his investigation without a warrant and not having witnessed the alleged offense, a misdemeanor'. While under § 17-254, Code of Laws of South Carolina, (1975 Cumulative Supplement) officers may arrest without warrant for offenses committed in view, an arrest for a misdemeanor not committed in view of the officer is unlawful if without warrant. [Percival v. Bailey, 70 S.C. 72, 49 S.E. 7 \(1904\)](#). Although you refer specifically to municipal officers, on the basis of the foregoing authorities, the same rule is applicable. Please find enclosed a copy of the above-cited case.

Cordially yours,

Herman L. Moore
Legal Assistant

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