



ALAN WILSON
ATTORNEY GENERAL

September 13, 2021

The Honorable Kevin S. Brackett
Moss Justice Center
1675-1A York Highway
York, SC 29745-7422

Dear Solicitor Brackett:

You have requested an opinion of this Office regarding whether a municipal police officer assigned as a school resource officer has jurisdiction to enforce state law at a school board meeting for his assigned school district when the meeting is held outside of the municipality.

LAW/ANALYSIS

In order to answer your question, we must discuss sections 5-7-110 and 5-7-12 of the South Carolina Code of Laws. Section 5-7-110 states that municipal police officers “[s]hall exercise their powers 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 . . .” S.C. Code Ann. § 5-7-110 (1976 Code, as amended). Section 5-7-12 addresses municipal and county officers assigned to school districts as school resource officers:

- (A) The governing body of a municipality or county may upon the request of another governing body or of another political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event When acting pursuant to this section and outside of the sworn municipality or county of the school resource officer, the officer shall enjoy all authority, rights, privileges, and immunities, including coverage under the workers' compensation laws that he would have enjoyed if operating in his sworn jurisdiction.

(B) For purposes of this section, a “school resource officer” is defined as a person who is a sworn law enforcement officer pursuant to the requirements of any jurisdiction of this State, who has completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

S.C. Code Ann. § 5-7-12 (1976 Code, as amended) (emphasis added).

We examined both of these statutes in a prior opinion:

Turning to the text of Section 5-7-12 and 5-7-110, we believe that a court would conclude that the evident intent is for a city or county government to be able to place their officers in their schools, and for such officers' jurisdiction to extend as necessary to adequately address the special nature of school activities. See S.C. Code Ann. § 5-7-12 (Supp. 2017) (a “school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event”) (emphasis added) For instance, in the event that a Columbia-area school football team traveled to Charleston for an away game, it appears that, per Section 5-7-12, the arrest jurisdiction of the SRO assigned to the Columbia-area school would travel with those students while they are engaged in that school-sponsored event. See id. . . .

Op. S.C. Atty. Gen., 2018 WL 1324037 (March 6, 2018).

Based on our prior opinion, we believe that the arrest jurisdiction of a municipal officer who has been assigned as a school resource officer extends to a school board meeting for his assigned school district which is held outside of the geographic boundaries of the municipality.

The Honorable Kevin S. Brackett
Page 3
September 13, 2021

CONCLUSION

It is our opinion that the arrest jurisdiction of a municipal officer who has been assigned as a school resource officer extends to a school board meeting for his assigned school district which is held outside of the geographic boundaries of the municipality.

Sincerely,



Elinor V. Lister
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General