

1972 WL 25369 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1972

***1 Re: #202—Municipal—Law Enforcement**

Henry Busbee, Esq.
Attorney at Law
P. O. Box 502
Aiken, SC 29801

Dear Mr. Busbee:

On June 29, 1972, you inquired of this office by telephone whether or not police officers have to be bonded before serving arrest warrants and, further, whether there is any State statute which requires police officers to be bonded.

In answer to your inquiries, please be advised that Section 17-259 of the Code of Laws of South Carolina (1971 Cum. Supp.) provides in relevant parts, 'That only law enforcement officers under bond shall be permitted to execute a search warrant.' The above quoted language clearly requires an officer executing a search warrant be bonded.

In regard to your second inquiry, I call your attention to the following code sections of the Code of Laws of South Carolina. Section 53-5 makes it obligatory that any person appointed by the Governor as a constable or police officer enter into a \$2,000 bond prior to performance of any duties. Section 53-54 requires that all sheriffs obtain a \$10,000 bond before performance of their duties. Section 53-307 requires deputy sheriffs to procure bonds and, finally, Section 53-374 requires each policeman, before the duties of his office, to enter into a bond with good surety. There is no doubt that under the last mentioned code section, a municipal police officer has to be bonded.

I trust that this answers all of the questions which you posed, however, if I have left anything out that you wanted answered or you have any further questions, please do not hesitate to call upon me.

Sincerely,

Ellison D. Smith, IV
Assistant Attorney General

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