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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

January 19, 1998

A.G. Dantzler
Director
Cayce Department of Public Safety
Post Office Box 2004
Cayce, SC 29171-2004

RE: Informal Opinion
Opinion Request of December 10, 1997

Dear Director Dantzler:

Your opinion request of December 10, 1997, concerned police jurisdiction between two municipalities. You described your concern that another town was claiming jurisdiction on Highway 302, which was incorporated into the city limits of Cayce in 1955. The specific issues you presented are as follows:

- 1) Highway 302 was annexed by ordinance in 1955, can this town now in 1997 claim jurisdiction on any part of this highway for policing purpose?
- 2) Since this is in our city limits by ordinance can they make cases against people that they did not "follow" out of their jurisdiction? It's always been my understanding we could not. If you answer to #1 is they do have jurisdiction then #2 won't need an answer.

I enclose for your reference a previous opinion from this office which answers your questions. See Atty. Gen. Op. 1996 WL 679468 (Oct. 15, 1996). The secondary roads which were the subject of this prior opinion were located outside the corporate limits of the Town of Salem. In addressing police jurisdiction of the Town of Salem over these secondary roads, this prior opinion stated that, "[i]n the usual case, law enforcement officials of the Town of Salem would not have jurisdiction over traffic offenses on those roads." However, the Opinion pointed to two statutes which extend police jurisdiction to roads and highways outside the corporate limits of the entity they serve.

In one statute, police jurisdiction is extended three miles outside the corporate limits of a city or town when the police are

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in pursuit of an offender who leaves the corporate limits. Section 17-13-40 of the South Carolina Code provides as follows:

The police authorities of all towns and cities of this State may make arrests of all offenders against the municipal ordinances and statutes of this State committed within the corporate limits or at any place within a radius of three miles of the corporate limits, with or without a warrant, when such police are in pursuit of such offender.

S.C. Code Ann. 17-13-40 (Law. Co-op. 1976) (emphasis added).

In another statute, police jurisdiction is extended beyond corporate limits of a city or town when a highway or street serves as a boundary between municipalities. Section 5-7-155 provides as follows:

If any portion of a street or highway is within the boundary of a municipality, the right of way of the street or highway is not within the municipal boundary but touching the boundary is nevertheless considered to be within the boundary of the municipality for purposes of its police jurisdiction.

A street or boundary which serves as the boundary between municipalities is under the police jurisdiction of both municipalities regardless of the municipality in which the street or highway is located.

S.C. Code Ann. § 5-7-155. As stated in this prior opinion, "[t]he necessary inference of §5-7-155 is that the police jurisdiction over streets or highways would be those streets or highways located in the municipality and those streets or highways touching the municipal boundary, but not those streets otherwise beyond the municipal boundary."

In 1997, the South Carolina Legislature enacted another statute which extends police jurisdiction to respond to distress calls from an adjacent jurisdiction. Section 17-13-45 provides as follows:

When a law enforcement officer responds to a distress call or a request for assistance in an adjacent jurisdiction, the authority, rights, privileges, and immunities, including coverage under workers' compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78, Title 15, that

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are applicable to an officer within the jurisdiction in which he is employed are extended to and include the adjacent jurisdiction.

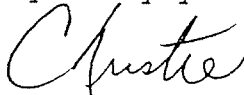
S.C. Code Ann. § 17-13-45 (Law. Co-op. Supp. 1997). Based upon these three statutes, therefore, police jurisdiction extends outside corporate limits (1) to allow the police to pursue an offender for three miles outside the corporate limits; (2) to include any street or highway which borders the corporate limits of the city or town; and (3) to include an adjacent jurisdiction when the officer responds to a distress call or call for assistance.

In your letter, you explained that another town claims jurisdiction on Highway 302 "where their town boundaries boarder highway 302, approximately 1/2 to 3/4 of a mile on the north side, from I-26 to Boston Avenue." Based upon your description of this other town's boundaries bordering upon Highway 302, pursuant to Section 5-7-155 of the South Carolina Code, this other town would have police jurisdiction over this area, "regardless of the municipality in which the street or highway is located." Therefore, in response to your question, this other town would have jurisdiction over a street or highway which borders its corporate limits. Further, the police officers in this other town would have jurisdiction three miles outside the corporate limits of the town when the police are in pursuit of an offender and would have jurisdiction outside their town's corporate limits when your officers place a distress call to the officers in this adjacent town.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Christie Newman Barrett
Assistant Attorney General

Enclosure