

7737 Liberty



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

February 26, 2004

Thomas M. Boulware, Esquire  
Attorney for the City of Barnwell  
and the Town of Williston  
Post Office Box 248  
Barnwell, South Carolina 29812

Dear Mr. Boulware:

An opinion of this office to you dated February 4, 2003 dealt with the authority of law enforcement officers to respond to a distress call. . Following up on such, you have asked whether an off-duty officer responding to a distress call must respond in uniform and drive a marked vehicle.

Please be advised that I am unaware of any State statutory provisions responsive to your question. In the referenced opinion this office indicated that pursuant to S.C. Code Ann. Section 17-13-45 (2003) a law enforcement officer would be authorized to respond to a distress call from an adjacent jurisdiction. In such circumstances, it is my opinion that a regular law enforcement officer would not have to be in his law enforcement uniform or his marked automobile in order to respond. I am unaware of any restrictions indicating that such regular law enforcement officers must be clothed in his uniform or riding in a regularly marked law enforcement vehicle in order to have law enforcement authority. Compare: S.C. Code Ann. Section 23-6-100 (Members of the Highway Patrol "shall at all times, when in the performance of their duties, wear complete uniforms...."; Section 23-28-100 (Reserve police officers "...shall wear uniforms which will identify them as law enforcement officers."; Section 23-6-220 (Department of Public Safety Special Constables "...assisting a full time department law enforcement officer shall wear uniforms or other insignia which identify the constable...."; Section 50-3-130 (Officers of the Natural Resources Enforcement Division are

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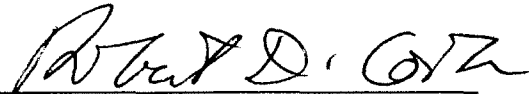
to be provided a unique and distinctive official uniform "...to be worn by ...(them)...when on duty....").

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General