

The State of South Carolina



Office of the Attorney General

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February 8, 1995

Barry D. Mallek, Chief of Police
Town of Duncan
Police Department
Post Office Drawer 188
Duncan, South Carolina 29334

Re: Informal Opinion

Dear Chief Mallek:

Attorney General Condon has referred your letter of January 23, 1995 to me for reply. You have asked the extent of law enforcement authority possessed by police officers employed by the Greenville-Spartanburg Airport Authority. Specifically, you inquire as to whether such officers possess statewide jurisdiction, or are confined to the Airport. I would advise that such officers, with the exception of the Chief, are, by the terms of the commission issued to them, limited to statewide authority in connection with their duties as an Airport police officer.

Section 55-11-110 of the Code of Laws of South Carolina (1976 as amended) creates the Greenville-Spartanburg Airport District. Pursuant to Section 55-11-210,

... The commission is authorized to employ police officers commissioned by the Governor to enforce all laws and the rules and regulations authorized in this section, and such officers shall be authorized to issue summonses for violations in the manner authorized for state [troopers]

Pursuant to § 23-1-60, state constables are appointed by the Governor "... as he may deem necessary to assist in the detection of crime and the enforcement of any criminal laws of this State ...".

Chief Mallek
Page 2
February 8, 1995

In an Opinion of this Office, dated May 6, 1976, it was noted that state constables "have state-wide jurisdiction ..." unless otherwise restricted. A state constable's jurisdiction can be restricted either by statute, see, e.g., § 59-116-10 et seq. [campus security officers at private colleges], or upon issuance of the commission itself. If restricted, the constable possesses only such jurisdiction as is specifically provided.

For example, in the May 6, 1976 Opinion, the particular constable's jurisdiction was, in fact, restricted by its terms to the jurisdiction of the Medical University and other State property. If restricted, the constable has the same authority to arrest as a private citizen if the arrest is made beyond the authority for which the commission is limited. See, Op. Atty. Gen., August 29, 1986.

I have been informed by the South Carolina Law Enforcement Division that the officers of the Greenville-Spartanburg Airport District, with the exception of the Chief, are restricted to statewide authority in connection with their duties as Airport police officers. Accordingly, with the exception of the Chief, such officers would have only the authority of private citizens when not performing such duties.

You have also asked whether 1993 Op. Atty. Gen., Op No. 93-95 (June 2, 1993) remains the opinion of this Office. I would advise that it does. That opinion citing a previous opinion dated March 20, 1985, concluded that a city police officer "could work outside [that officer's] regular jurisdiction However, ... as to any law enforcement authority, the officer while working outside his jurisdiction only has that authority given to private citizens generally." These opinions remain the opinions of this Office.

If I can be of further assistance, or if a formal opinion is necessary, please advise.

Very truly yours,



Robert D. Cook
Deputy Attorney General

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