



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

March 22, 1995

Perry R. Eichor, Director
Department of Community Services
County of Greenville
20 McGee Street
Greenville, South Carolina 29601

Re: Informal Opinion

Dear Mr. Eichor:

Attorney General Condon has referred your recent letter to me for reply. Therein, you question whether an alien may be a police officer in this State. Specifically, you wish to know whether a non-citizen can serve as a security officer for a local detention facility.

Pursuant to S.C. Code Ann. § 23-1-145, employees of any county or municipal jail, "while performing their officially assigned duties relating to the custody, control, transportation or recapture of any inmate or prisoner in this State, shall have the status of peace officers" Furthermore, previous opinions of this Office have concluded that a jailer is a public officer. See, Op. Atty. Gen., February 5, 1988; January 17, 1985.

Enclosed is a copy of an opinion dated December 10, 1987, which answers your question. That opinion concludes that an individual who is not a citizen of the United States cannot be a police officer in South Carolina because that individual is not a qualified elector. See also, McLure v. McElroy, 211 S.C. 106, 44 S.E.2d 101 (1947); Art. XVII, § 1 of the South Carolina Constitution. As this opinion indicates, the United States Supreme Court, in Foley v. Connelie, 435 U.S. 291 (1978), has held that a State may constitutionally deny to an alien the right to serve as a police officer. I am also enclosing a copy of another opinion, dated December 7, 1987, which similarly concludes that a person who is not a resident of South Carolina cannot be commissioned as a special State constable pursuant to § 23-7-10.

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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.

I trust these opinions are responsive to your question. With best regards, I remain

Very truly yours,



Robert D. Cook
Deputy Attorney General

RDC/an