

## The State of South Carolina



## Office of the Attorney General

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October 14, 1994

The Honorable Greg Gregory  
Senator, District No. 16  
Post Office Box 1381  
Lancaster, South Carolina 29721

Dear Senator Gregory:

By your letter of September 19, 1994, you have requested the opinion of this Office as to whether House Bill 3607 as adopted (R-471, Act No. 411 of 1994) would permit municipal police departments to compensate their reserve police officers. You have advised that the bill was introduced for the purpose of allowing city police departments to compensate reserve officers and to allow the officers to wear their uniforms at their regular jobs.

As you observe in your letter, the reserve officers provide an extremely valuable service to the cities in this State. As to the compensation of reserve police officers, this Office issued opinions dated February 24, 1984 and November 30, 1984, concluding that reserve police officers may not receive compensation for their services; copies of these opinions are enclosed.

Act No. 411 of 1994 amended S.C. Code Ann. § 23-24-10, as amended, so that the section now provides:

Uniformed law enforcement officers, as defined in Section 23-6-400(D)(1), and reserve police officers, as defined in Section 23-28-10(A), may wear their uniforms and use their weapons and like equipment while performing private jobs in their off duty hours with the permission of the law enforcement agency and governing body by which they are employed.

In construing any statute, the primary objective of both the courts and this Office is to determine and effectuate legislative intent if it is possible to do so. Bankers Trust

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of South Carolina v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980). In the absence of ambiguity, words used in a statute are given their plain and ordinary meanings, Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980), and must be applied literally. Green v. Zimmerman, 269 S.C. 535, 238 S.E.2d 323 (1977). If the words used are susceptible to any sensible meaning, words cannot be added which would provide a different meaning without making, rather than construing, the statute. Banks v. Columbia Ry. Gas & Electric Co., 113 S.C. 99, 101 S.E. 285 (1919). A statute may be construed with reference to its title. Crouch v. Benet, 198 S.C. 185, 17 S.E.2d 320 (1941).

Considering the foregoing rules of statutory construction, it is observed that compensation for reserve officers is not specified within the statute quoted above. Section 23-24-10 even before the 1993 amendment contained no provisions as to compensation. Neither the title of Act No. 411 of 1994 nor any of the committee reports or amendments to the bill which this Office reviewed contained references to compensation. The literal language of the act permits reserve police officers to wear their uniforms and use their weapons and like equipment while performing private jobs in their off-duty hours with the permission as required therein. Compensation for service as a reserve police officer simply is not addressed within the statute; to conclude otherwise would require adding to the statute and drastically changing its obvious meaning. Such would be a legislative matter, in our view, since such a meaning would remake the statute rather than construe it.

Based on the foregoing, it is the opinion of this Office that Act No. 411 of 1994, which amended S.C. Code Ann. § 23-24-10, would not provide a basis for compensating reserve police officers of city police departments.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

*Robert D. Cook*

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