

Reg. 5049



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

August 30, 1995

Superior Opinion

W. S. Hanks, Chief of Police
Honea Path Police Department
30 N. Main Street
Honea Path, South Carolina 29654

Dear Chief Hanks:

You have asked our opinion regarding the validity of service of a facsimile copy of an arrest warrant. Your specific question is as follows:

[i]f [an] ... Agency [faxes] a copy of [the] original arrest warrant to another jurisdiction in another County of South Carolina can that agency legally have that fax copy of [the] warrant certified for service in that County? Can that agency arrest [the] Offender on a Fax Copy, Warrant on Offender already entered in NCIC/S.C. active warrant file.

I am enclosing for your review Op. No. 91-2 (January 7, 1991) which concludes that there is no absolute legal prohibition against the countersigning of a faxed copy of an arrest warrant. Thus, as the Opinion finds, it remains a matter within the discretion of the individual magistrate as to whether a faxed copy of arrest warrant is countersigned by that magistrate.

Very truly yours,

Robert D. Cook
Assistant Deputy Attorney General

RDC/an
Enclosure