

The State of South Carolina



Office of the Attorney General

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January 7, 1991

The Honorable Allen F. Sloan
Sheriff, Richland County
Post Office Box 143
Columbia, South Carolina 29202

Dear Sheriff Sloan:

In a letter to this Office you questioned the advisability and legality of magistrates countersigning "faxed" copies of arrest warrants. You indicated that magistrates in Richland County have been reluctant to countersign anything but an original warrant or a certified copy of an original warrant.

Section 22-5-190 of the Code states

A magistrate may endorse a warrant issued by a magistrate of another county when the person charged with a crime in such warrant resides in or is in the county of the endorsing magistrate. When a warrant is presented to a magistrate for endorsement, as herein provided, the magistrate shall authorize the person presenting it or any special constable to execute it within his county.

Such statute makes no comment upon the type warrant that may be endorsed, i.e., whether it must be an original or whether a certified copy or a faxed copy would be appropriate. Also, I am unaware of any procedural guidelines promulgated by the State Court Administration Office which would be responsive to your question.

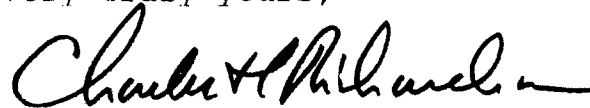
One disadvantage to the endorsement of a certified copy or a faxed copy of an arrest warrant is that the original warrant remains in circulation and potentially could be erroneously utilized at a later time to arrest an individual for the same offense. Therefore there is a practical argument against the endorsement of a copy of

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an arrest warrant. However, I am unaware of any absolute prohibition against the use of copies of these warrants. Therefore, it would remain a matter for individual magisterial discretion as to whether a faxed copy of an arrest warrant could be countersigned.

With kind regards, I am

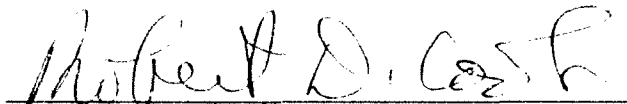
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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