

The State of South Carolina

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Office of the Attorney General

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May 2, 1989

The Honorable W. Richard Lee
Senator, District No. 11
510 Gressette Building
Columbia, South Carolina 29202

Dear Senator Lee:

In a letter to this Office you questioned whether a reserve officer with a sheriff's department could also hold a state constable commission.

Article XVII, Section 1A of the State Constitution provides that "...no person shall hold two offices of honor or profit at the same time." In prior opinions this Office concluded that the position of reserve officer is an office for dual office-holding purposes. See: Opinions dated February 5, 1988 and June 5, 1979. Also, the position of state constable was formerly considered an office for dual office-holding purposes. However, the State Constitution has now been amended to indicate that the position of constable is no longer to be considered an office for dual office-holding purposes. See: Article VI, Section 3 and Article XVII, Section 1A of the State Constitution as amended by Act No. 9 of 1989.

Of course, while there may no longer be constitutional prohibitions to simultaneously holding the positions of reserve officer and state constable, the issuance of a state constable commission is still discretionary. See: Section 23-1-60 of the Code ("the Governor may, at his discretion, appoint such additional...constables...as he may deem necessary...") Therefore, you may wish to contact the Governor's office as well as the State Law Enforcement Division concerning such commission.

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If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR:sds

REVIEWED AND APPROVED BY:



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