

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S C. 29211
TELEPHONE 803-758-3970

1975 Opinion No. 85-13 p. 3

The Honorable Charles R. Sharpe
Member, House of Representatives
Box 652
Wagener, South Carolina 29164

Dear Representative Sharpe:

In a telephone conversation you questioned the status of a law enforcement officer who responds to the request of another political subdivision for assistance in cases of emergency. Such service is authorized pursuant to Section 5-7-120, Code of Laws of South Carolina, 1976, as amended.

Generally, pursuant to Section 17-13-40, Code of Laws of South Carolina, 1976,

"(t)he police authorities of all towns and cities of this State may make arrests of all offenders against the municipal ordinances and statutes of this State committed within the corporate limits or at any place within a radius of three miles of the corporate limits, with or without a warrant, when such police authorities are in pursuit of such offender." 1/

As stated above, pursuant to Section 5-7-120, law enforcement officers are authorized to respond in cases of emergency to another municipality. Such provision states that:

1/ As referenced in our telephone conversation, Section 23-1-10 of the Code which was in conflict with Section 17-13-10 insofar as it only expanded the law enforcement authority of a city policeman to any place "within a radius of one mile of the corporate limits" has been repealed.

Continuation Sheet Number 2
To: The Honorable Charles R. Sharpe
February 15, 1985

"(w)hen law enforcement officers are sent to another municipality pursuant to this section, the jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws, which they have in the sending municipality shall be extended to and include the area in which like benefits and authorities are or could be afforded to the law enforcement officers of the requesting subdivision."

Such section further provides that such officers who respond to requests for assistance have the same law enforcement authority as possessed by the law enforcement officers in the political subdivision which requests assistance. Therefore, such officers would have the law enforcement authority established by Section 17-13-40 referenced above when responding to requests for assistance.

Generally, where a statute is clear and unambiguous, there is no room for construction. Southeastern Fire Insurance Co. v. South Carolina Tax Commission, 253 S.C. 407, 171 S.E.2d 355 (1969). Section 5-7-120 plainly states that officers who respond to requests for assistance pursuant to Section 5-7-120 have all the "jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws" which they have in the municipality of their employment and appointment while serving in the requesting subdivision when "like benefits and authorities are or could be afforded" to the officers of such requesting subdivision. Therefore, such officers would have all the referenced powers and privileges regardless of whether they are functioning as law enforcement officers in the political subdivision of their employment or in the subdivision which has requested their assistance.

If there is anything further, please advise.


Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR:djg

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions