

1984 S.C. Op. Atty. Gen. 199 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-80, 1984 WL 159887

Office of the Attorney General

State of South Carolina

Opinion No. 84-80

July 23, 1984

\*1 Honorable Bruce Rutland  
Magistrate District Six  
Lexington County  
650 Knox Abbott Drive  
Cayce, SC 29033

Dear Magistrate Rutland:

In a letter to this Office, you raised a question as to the authority of an individual licensed as a private security guard to provide security for a moving individual.

Pursuant to Sections 40–17–10, *et seq.*, Code of Laws of South Carolina, 1976, as amended, the licensing and regulation of individuals engaged in the private security business is authorized. ‘Private security business’ is defined as ‘. . . engaging in the business as or accepting employment as a private patrol, watchman or guard service for consideration on a private contractual basis and not as an employee. Private security business shall not include persons employed exclusively and regularly by only one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship unless the employer is in the private security business.’

Any individual engaging in the private security business must be licensed by the State Law Enforcement Division. [Sections 40–17–50 and 40–17–70, Code of Laws of South Carolina](#), 1976, as amended. Any individual employed by another in the private security business must be registered by SLED. [Section 40–17–80, Code of Laws of South Carolina](#), 1976, as amended.

Upon being properly registered or licensed, an individual

‘. . . who is hired or employed to patrol, guard or render a similar service on certain property shall be granted the authority and power which sheriffs have to make arrest of any persons violating or charged with violating any of the criminal statutes of this State, but shall have such powers of arrest only on the aforementioned property.’ [Section 40–17–130, Code of Laws of South Carolina](#), 1976. [An individual engaged in the private detective business has no arrest authority. *See*: [Section 40–17–20\(a\), Code of Laws of South Carolina](#), 1976; State Law Enforcement Division [Regulation 73–40\(23\)](#)].

[Section 17–13–30, Code of Laws of South Carolina](#), 1976, provides that:

‘The sheriffs and deputy sheriffs of this State may arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest be made at the time of such violation of law or immediately thereafter.’

This Office in prior opinions has consistently emphasized that the arrest powers of a security guard referenced above are strictly limited to the property which the guards are hired to patrol or render such similar service. *See*: Opinions dated May 23, 1978; February 7, 1980.

As to your question concerning whether there is authority for an individual licensed as a private security guard to provide security for a moving individual, referencing the above, there appears to be no such authority. As stated, an individual licensed as a private security guard has the power and authority of a sheriff to make arrests, but such authority is limited to the property he

is hired to guard or protect. Obviously, such guards, while hired to guard and patrol certain property, could provide security for any individuals on such property. However, away from such property, the private security guards would only have the powers of arrest of a private citizen. Generally, a private citizen is not empowered to make an arrest for a misdemeanor unless he has an arrest warrant authorizing such an arrest. See: 1971 Op. Atty. Gen. No. 3207, p. 187; [State v. Davis](#), 50 S.C. 405, 27 S.E. 905 (1897). Pursuant to [Section 17-13-10, Code of Laws of South Carolina](#), 1976:

\*2 ‘Upon (a) view of a felony committed, (b) certain information that a felony has been committed, or (c) view of a larceny committed, any person may arrest the felon or thief and take him to a judge or magistrate to be dealt with according to law.’

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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