

1983 WL 181881 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1983

***1 RE: Service of Arrest Warrants Outside Territorial Jurisdiction**

Andrew W. Brock
Detective
Seneca Police Department
Drawer 4773
Seneca, South Carolina 29678

Dear Sir:

Attorney General Medlock has referred your letter, dated May 10, 1983, to me for reply.

The factual situation you presented, and the question, are as follows: A defendant is arrested by the Seneca Police Department, and transported to the jail at the Law Enforcement Center in Walhalla; can an officer of the Seneca Police Department serve that person with the arrest warrant.

In accordance with your letter, this opinion assumes that the arrest of the defendant was made by a Seneca police officer within the city limits, or within the three mile limit under the hot pursuit statute. See [§ 17-13-40, Code of Laws of South Carolina \(1976\)](#).

It would appear that, given the circumstances you described, the warrant would have to be endorsed by the magistrate having jurisdiction over the jail in Walhalla, and executed by either his constable or a county deputy sheriff. [Section 22-5-190, Code of Laws of South Carolina \(1976\)](#), provides that when an arrest warrant is issued by a municipal judicial officer, and the defendant is not within the municipal limits, but is in the state

... the officer issuing such warrant may send it to the magistrate having jurisdiction over the area in which such person may be found, which magistrate may endorse the warrant which shall then be executed by the magistrate's constable or the sheriff of the county of the endorsing magistrate.

Accordingly, it would appear that from the facts you presented, since the jail is located outside of the territorial jurisdiction of the city of Seneca, a deputy sheriff or magistrate's constable would have to serve the warrant.

Enclosed please find a copy of a previous opinion written by this office, summarizing the position I have taken, in addressing the issue.

If any further information is needed, please do not hesitate to contract this office.

Sincerely yours,

James G. Bogle
Assistant Attorney General

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