

1981 WL 157817 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 15, 1981

*1 Mr. J. P. Strom
Chief
South Carolina Law Enforcement Division
P. O. Box 21398
Columbia, SC 29221

Dear Chief Strom:

In a letter to this Office you asked whether an individual with a State constable's commission may be hired to provide security at a private social function. You indicated that in the past an off-duty police officer had been hired to perform such duties.

Pursuant to [Section 40-17-40\(a\), Code of Laws of South Carolina, 1976](#), any individual presently engaged in the private detective or private security business in an individual, self-employed basis must be licensed by the South Carolina Law Enforcement Division. The term 'private security business' is defined by [Section 40-17-20\(b\) Code of Laws of South Carolina, 1976](#), 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.

In addition to the exemption noted in the preceding quoted section, exemptions to the requirements for licensing are provided by [Section 40-17-150, Code of Laws of South Carolina, 1976](#). A review of such provisions does not indicate that State constables are generally exempt from the provisions requiring licensing as referenced above. Therefore, in the opinion of this Office, an individual who is a State constable may not be hired to provide security at a private social function unless he is licensed to perform private security work by the South Carolina Law Enforcement Division.

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

Sincerely,

Charles H. Richardson
Assistant Attorney General

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