

1979 WL 42818 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 21, 1979

*1 The Honorable Melvin Ernest Nunnery
S. C. House of Representatives
State House
Columbia, South Carolina 29201

Dear Mr. Nunnery:

You have asked whether reserve police officers appointed pursuant to [Sections 23-28-10, et seq. of the 1976 Code](#) of Laws, as supplemented, have the power of arrest.

[Section 23-28-10](#) defines reserves as ‘. . . persons given part-time police powers without being regularly assigned to full-time law enforcement duties.’ As to the powers and duties of reserves, Section 23-28-20 states in part that ‘(t)he powers and duties of reserves shall be prescribed by the chief . . .’ Similarly, Section 23-28-70 states that ‘reserves shall serve and function as law enforcement officers only on specific orders and directions of the chief.’ ‘Chief’ is defined by [Section 23-28-10](#) as ‘. . . the chief law enforcement officer of a municipality, county or other political entity of the State having police powers.’ Furthermore, it is specifically stated in Section 23-28-70 that ‘reserves shall in no case assume full-time duties of law enforcement officers without complying with all requirements for full-time officers.’

In the opinion of this Office, with reference to that authority granted by Sections 23-28-20 and 23-28-70, reserve police officers would have the power of arrest only when and to such extent such power is specifically ordered and granted by the chief. They do not have the power of arrest solely by virtue of their position as a reserve police officer.

Mr. McLeod has reviewed and concurs with this opinion.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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