

1980 WL 121052 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 14, 1980

*1 Chief Donald N. Chadwick
Chief of Police
Cowpens Police Department
Post Office Box 236
Cowpens, South Carolina 29330

Dear Chief Chadwick:

In a letter to this Office you questioned whether a State constable is authorized to carry a weapon and have a blue light and siren on his vehicle. You also questioned a State constable's power of arrest.

Please be advised that pursuant to [Section 16-23-20, Code of Laws of South Carolina](#), 1976, an uncompensated Governor's constable or State constable is authorized to carry a pistol on his person, whether concealed or not.

As to your blue light question, [Section 56-5-4700\(c\), Code of Laws of South Carolina](#), 1976, as amended, while indicating which police vehicles are to be equipped with flashing lights, states in part:

“(i)t shall be unlawful for any person to possess any flashing, oscillating or rotating blue light on any vehicle except one used primarily for law enforcement purposes.”

Therefore, unless the State constable's automobile is “used primarily for law enforcement purposes,” it would be unlawful to use a blue light on such vehicle. As to the use of a siren, [Section 56-5-4950, Code of Laws of South Carolina](#), 1976, states that: “(n)o vehicle other than an authorized emergency vehicle shall be equipped with nor shall any person use upon any such vehicle any siren, whistle or bell.”

[Section 56-5-170, Code of Laws of South Carolina](#), 1976, defines “authorized emergency vehicle” as:

“... vehicles of the fire department (fire patrol), police vehicles and other ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by ... (the South Carolina Highway Department) ... or the chief of police of an incorporated municipality.”

No express provision is made for the use of a siren on the automobile of a State constable.

Concerning your question as to the power of arrest of a State constable, this Office citing the case of [State v. Luster, 178 S.C. 199, 182 S.E. 427 \(1935\)](#) held in an opinion dated July 6, 1977, that such constables have all the authority of regularly commissioned peace officers, which would include the power of arrest.

With best wishes.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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