

1980 WL 121227 (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 recent letter to this Office you questioned whether a municipal police officer could serve a felony warrant on a defendant outside the municipal limits. Please be advised that I am unaware of any general grant of authority permitting such service by a municipal officer in all instances. As to an arrest warrant issued by a county magistrate when such warrant must be executed outside the county of the issuing magistrate, [Section 22-5-190, Code of Laws of South Carolina](#), 1976, states that a magistrate of the county where the defendant resides or is located may endorse the warrant. The section does state further that:

‘(w)hen a warrant is presented to a magistrate for endorsement, . . . , the magistrate shall authorize the person presenting it or any special constable to execute it within the county.’

As to a warrant issued by a municipal judge where the defendant cannot be found within the municipality, [Section 22-5-190, supra.](#), further states that:

‘. . . 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 magistrates' constable or the sheriff of the county of the endorsing magistrate.’

As you can see, execution of warrants issued by a municipal recorder is limited to the endorsing magistrate's constable or sheriff of the county of the endorsing magistrate.

Therefore, as to your specific question, it appears that a city policeman could be specifically authorized by an endorsing magistrate to execute a warrant issued by another county magistrate in the county of the endorsing magistrate. However, this is the only instance where a municipal policeman is permitted to execute a warrant beyond the limits of his municipality and should not be construed as a general grant of authority for a municipal policeman to execute a warrant beyond the limits of the municipality where he serves. Furthermore, in most instances where a magistrate endorses a warrant, the warrant is forwarded to law enforcement authorities of the county of the endorsing magistrate to be executed.

With best wishes.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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