

1980 WL 120972 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 18, 1980

*1 Honorable Ted B. Wyndham
City Recorder
P. O. Box 148
Greenwood, SC 29646

Dear Mr. Wyndham:

In a letter to this Office you raised several questions concerning whether a magistrate's court or a municipal court would have jurisdiction to issue an arrest warrant as to an offense which occurs outside the limits of a municipality. In your first question you referenced a situation where an officer observes the commission of an offense within the limits of a municipality, begins pursuit, and while in pursuit and beyond the corporate limits of the municipality, another offense is committed. As to such a situation, you have asked whether a warrant for the offense committed outside the municipal limits should be issued by the municipal recorder or a county magistrate. You also asked whether the authority granted police officers by [Section 17-13-40, Code of Laws of South Carolina, 1976](#), to make arrests for offenses committed within three miles of the corporate limits of the municipality where the officers are in pursuit affects the jurisdiction of municipal courts.

Generally, the corporate limits of a municipality are considered as the limits of the territorial jurisdiction of municipal courts. 9 McQuillin, [Municipal Corporations](#), Section 27.03 (3rd Ed.). The South Carolina Supreme Court in [State v. Blue, 215 S.E.2d 905 \(1975\)](#) stated that pursuant to the section now codified as [Section 14-25-970, Code of Laws of South Carolina, 1976](#), [t]he jurisdiction conferred on Recorders, . . . , includes concurrent jurisdiction with magistrates to issue warrants for arrests within the city limits for offenses beyond their jurisdiction to try and, . . . , to sit as examining courts in such cases, where the offenses are committed within the corporate limits of the city.' [215 S.E.2d at 908](#) [Emphasis added].

Therefore, as to your question concerning the jurisdiction of a municipal court to issue an arrest warrant for an offense which is committed outside the corporate limits of a municipality where an officer is in pursuit, the municipal court would not have such jurisdiction. Instead, the warrant should be issued by a county magistrate. As to your second question, the three mile limit of authority to make arrests granted an officer in pursuit does not affect the territorial jurisdiction of a municipal court.

In your last question you asked where jurisdiction would lie for any offenses which occur in a county arising out of an abduction which occurs within the corporate limits of a municipality. You particularly referenced a situation where there is no pursuit by police officers. Please be advised that the above response which indicates that a municipal court would have no jurisdiction over offenses occurring outside the corporate limits of the municipality remains applicable to such a situation.

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

Sincerely,

Charles H. Richardson

*2 Assistant Attorney General

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