

1977 S.C. Op. Atty. Gen. 160 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-208, 1977 WL 24550

Office of the Attorney General

State of South Carolina

Opinion No. 77-208

July 6, 1977

\*1 Mr. James R. Bell  
Messrs. Jackson & Bell  
Attorneys at Law  
Post Office Box 5060  
Florence, South Carolina 29502

Dear Mr. Bell:

Your letter of June 30, 1977, requests information as to the authority of constables appointed by the Governor, the authority for such appointment, and whether or not such constables are excluded from the requirement of attending the Criminal Justice Academy.

The statutory authority is set forth in Section 53-1 of the 1962 Code of Laws and in the 1977 Code of Laws as Section 23-1-10. The citation of the latter Code is something of which I am not certain. These are normally termed 'constables without compensation' or 'State constables.' The statute authorizes the appointment of deputies, constables, security guards and detectives as the Governor may deem necessary to assist in the detection of crime and the enforcement of any criminal laws of this State. The statute further authorizes that appointments by the Governor may be made without compensation from the State. The last sentence of the statute provides that persons so appointed shall be required to furnish evidence that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or shall be required to take such training in this field as may be prescribed by the Chief of the South Carolina Law Enforcement Division.

Such officers, in my opinion, have all the authority of regularly commissioned peace officers. See [State v. Luster](#), 178 S.C. 199, 182 S.E. 427.

I do not feel that they come within the purview of the statute relating to the Criminal Justice Academy for the reason that they are not full-time police officers, and the provisions of the Criminal Justice Academy statute reach only those who are employed full time. Section 53-41, Code of Laws of South Carolina, 1962.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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