

1977 S.C. Op. Atty. Gen. 272 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-340, 1977 WL 24679

Office of the Attorney General

State of South Carolina

Opinion No. 77-340

October 31, 1977

**\*1 RE: Sheriffs' Deputies—Minimum Age**

Sheriff Fred G. Robinson  
Fairfield County  
Post Office Box 387  
Winnsboro, South Carolina 29180

Dear Sheriff Robinson:

Your letter of October 24, 1977, to the Attorney General has been referred to me for reply. As I understand the facts, you wish to employ in your Department a nineteen year old man as a part-time process server and also commission him with arrest powers and send him to the police academy for general law enforcement training.

Section 23–13–40 of the 1976 Code of Laws of South Carolina provides for the appointment by the Sheriff of special deputies for the service of process in civil and criminal proceedings only. Such deputies have no authority to carry weapons and have no general police authority inasmuch as such responsibilities are not necessary in performing such limited duties. Special deputies have no authority to arrest an individual other than that possessed by an ordinary citizen. It has been held that persons under the age of majority may lawfully act as special deputies of the Sheriff though he may not act as an officer. [McConnell v. Kennedy](#), 29 S.C. 180, 7 S.E. 76 (1888) and [Prince v. Dickson](#), 39 S.C. 477, 18 S.E. 33 (1893).

As to the possibility of commissioning the individual you described as a deputy with full police powers, we are unaware of any prohibition in our law against such employment. However, there are other factors which might affect your action in this area. For instance, in order to be certified as a law enforcement officer in this State one must, among other things, be at least twenty one (21) years of age. Section 23–23–50(B)(7). Furthermore, Section 16–23–30 of the 1976 Code of Laws of South Carolina makes it unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, order, exchange, or transport for sale into this State any pistol to any person under the age of twenty one (21), with exceptions. It is further observed that there is no exception stated for law enforcement officers in this State who are under the age of twenty one (21).

I trust the preceding information will be of assistance to you. However, if any further explanation is necessary or if you have any further questions in this regard, please do not hesitate to contact me.

With best regards, I am  
Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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