

1976 WL 30605 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 15, 1976

*1 Mr. Frank Sams
United States Secret Service
P. O. Box 245
Columbia, South Carolina 29202

Dear Mr. Sams:

You have inquired of this office whether a United States Secret Service Agent is authorized under South Carolina law to make arrests for state offenses.

A thorough search of the laws of this State reveals no statute or other provision of law that purports either expressly or impliedly to grant such authority to agents of the United States Secret Service. In the absence of such a statute or other provision of law, agents of the Secret Service are not authorized by the laws of this State to effect arrests, except to the extent that ordinary citizens may make an arrest. Copies of the statutes which authorize private citizens to arrest offenders are enclosed. See, S.C. CODE ANNOT. Sections 17-251 and 17-252 (1962).

Kind personal regards,

C. Tolbert Goolsby, Jr.

ATTACHMENT

Below are set out the constitutional and statutory amendments needed if South Carolina is to participate in the Individual and Family Grant Programs contained in Section 408 of The Federal Disaster Relief Act of 1974 (Public Law 93-288). The same would be required to be placed in the appropriate format and language of a Joint Resolution and Bill, respectively, prior to filing with the General Assembly.

Constitutional Amendment

—That Article X, Section 6 be amended by adding a new proviso at the end thereof to read as follows:

‘Provided further, that notwithstanding the limitations of Section 5 and 6 of this Article, the General Assembly may obligate or appropriate state funds in order to participate in federal or federally aided disaster related grant or loan programs for individuals or families, but only to the extent that such state participation is a prerequisite to federal financial assistance.’

Statutory Amendments

—That Section 44-312 of the Code dealing with Powers of Governor be amended by adding a new subsection (8) at the end thereof to read as follows:

‘(8). Within the limits of any applicable constitutional requirements and when a major disaster or emergency has been declared by the President to exist in this State, the Governor is further authorized to:

a) Request and accept a grant by the Federal Government to fund financial assistance to individuals or families adversely affected by a major disaster, subject to such terms and conditions as may be imposed upon such grant, but only upon his determination that such financial assistance is essential to meet disaster-related expenses or serious needs that cannot be otherwise adequately met from other means of assistance.

b) Enter into an agreement with the Federal Government, by an officer or agency thereof, pledging the State to participate in the funding of the financial assistance authorized in paragraph a), in an amount not to exceed twenty-five (25) per cent thereof, but only to the extent that appropriations have been made or a special fund established therefor.

*2 c) Make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise be adequately met from other means of assistance, which shall not exceed \$5,000.00 in the aggregate to an individual or family in any single major disaster declared by the President, but only to the extent that appropriations have been made or a special fund established therefor.

d) Make such regulations as are necessary for carrying out the purposes of this subsection.'

—That a new Section 44-319 be added to read as follows:

'Section 44-319. Penalties.—Any person who fraudulently or wilfully makes a misstatement of fact in connection with an application for financial assistance under Section 44-311(8) shall, upon conviction of each offense, be subject to a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both.'

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