

1979 WL 43456 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1979

*1 Mr. Clifford A. Moyer
Executive Director
Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210

Dear Cliff:

Your letter of June 26, 1979, raised the question of whether a town in this State may employ a police officer who is not a resident of this State, and I assume is one who wishes to undergo the training at the Academy.

I think that the position of policeman is a public office, although I recognize that this point is somewhat unsettled. A previous opinion issued in 1947 so stated, and we have subsequently issued opinions to the same effect. If he is a public officer, he cannot be appointed to a position in this State unless he is a qualified elector. Since he is not a resident, he cannot become a qualified elector.

Aside from this, if he is not a public officer, he must still possess a valid South Carolina driver's license in order to be admitted to the Academy. You have correctly pointed out that the only method of getting around this difficulty is by a waiver of that requirement by the Council. I would not be in favor of such a waiver .

Very truly yours,

Daniel R. McLeod
Attorney General

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