

1979 WL 43157 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 7, 1979

***1 RE: Magistrates Constables**

Mr. J. H. McDonald, Jr.
Postal Inspector
United States Postal Service
P. O. Box 1796
Columbia, S. C. 29202

Dear Mr. McDonald:

You have asked whether a constable is a law enforcement officer under South Carolina law and whether constables are authorized to use their position to obtain information for private businesses.

It is the previously stated opinion of this office that a magistrate's constable does not have general authority as a peace officer and is limited to the specific duties of executing writs and warrants issued by the magistrate, maintaining order in magistrate's court at the direction of the magistrate and other specified statutory duties such as drawing juries. 1970-71 Op. Att'y Gen., No. 3138, pg. 90.

If a constable requests information while acting in his limited capacity as a law enforcement officer and in order to properly execute writs/warrants issued by the magistrate, he is entitled to the same treatment as any other authorized law enforcement officer. However, where he is seeking the information for a private business and not in his official capacity as a magistrate's constable he should be treated as any private citizen making such a request.

Sincerely,

B. J. Willoughby
State Attorney

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