

1979 WL 43531 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 21, 1979

**\*1 Re: Family Court Constable**

Honorable David H. Maring  
Chief Judge  
Family Court of the 15th Judicial Circuit  
Post Office Box 806  
Georgetown, South Carolina 29440

Dear Judge Maring:

You have asked whether a constable appointed pursuant to the provisions of [Section 14-21-340, South Carolina Code of Laws \(1976\)](#), who possesses the powers of a deputy sheriff is required to attend the Criminal Justice Academy.

Research reveals no specific statute requiring Family Court constables to attend the Criminal Justice Academy. However, [Section 23-23-40, South Carolina Code of Laws \(1976\)](#), requires that all law enforcement officers employed or appointed by a public law enforcement agency in this State complete certain minimum training requirements established by Article 1 of Chapter 23 of Title 23. Further research reveals no authority which would provide for the treatment of a Family court as that of a public law enforcement agency. Since a Family Court constable would then not be employed by a public law enforcement agency of this State, he would not be required to complete the minimum basic training required by statute. Therefore, such constable would have the powers of a deputy sheriff without having the benefit of the appropriate training.

The dangers inherent in this situation become readily apparent. It is advisable for any such constable to complete the training provided by the Criminal Justice Academy, however, it is not required by statute.

Sincerely

Scott Elliott  
State Attorney

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