

1978 WL 34820 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 30, 1978

*1 Honorable Morgan McCutcheon
Sheriff of Beaufort County
Beaufort, South Carolina 29902

Dear Sheriff McCutcheon:

You have recently asked the opinion of this Office concerning the arrest powers of a Probation Counselor with the Family Court.

The authority for the appointment of a probation counselor and such a counselor's duties are set forth in §§ 14-21-340 and 14-21-350 of the Code of Laws of South Carolina, 1976, as amended, respectively. The duties of the probation counselor as stated in the above sections do not include the powers of arrest.

Section 14-21-870 of the Code states in part that:

Warrants and other processes may be served by any peace officer, or by the probation counselor.

This section does not address the arrest power of the probation officer. It is the contention of this office that if such authority is not specifically set forth, it is not included. See [State v. Sacks, 216 S.E.2d 501](#).

Therefore, based upon the authority and construction cited above, it is the opinion of this Office that a Probation Counselor with the Family Court does not have arrest powers.

Sincerely,

C. Havird Jones, Jr.
Assistant Attorney General

1978 WL 34820 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.