

1975 WL 29431 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 27, 1975

\*1 W. D. Thomas  
Captain  
York County Sheriff's Department  
Rock Hill, South Carolina 29730

Dear Captain Thomas:

This is in reply to your letter of January 21. You have asked whether a municipal police officer may in the course of a 'hot pursuit' arrest cross a county line and effect the arrest lawfully. The only point in issue is the effect of crossing the county line.

The general rule is stated thusly in 6 C.J.S. Arrest § 12(b)(2):

'Whether a peace officer, acting in his official capacity, has authority to make an arrest within the State, but outside of the county, township, or municipality of which he is peace officer, is dependent on the statutes in the particular jurisdiction. Ordinarily, in the absence of a statute providing otherwise, a peace officer, when acting without a warrant, or when acting under a warrant directed to him by description of his office, or directed generally to the class of officers to which he belongs, may arrest in his official capacity only within the limits of the geographical or political subdivision of the State of which he is an officer.'

The statutory authorization for hot pursuit arrests by municipal officers is found in Section 17-254, 1962 Code of Laws, as amended, which reads:

'The police authorities of all towns and cities of this State may make arrests of all offenders against the municipal ordinances and statutes of this State committed within the corporate limits at any place within a radius of three miles of the corporate limits, with or without a warrant, when such police authorities are in pursuit of such offender.' (emphasis added)

The statute specifically states that the arrest may be made 'at any place' within the three mile radius. This would seem to confer authority upon the municipal officer to effect the arrest at any place within the State so long as it is made within the three mile radius. As the officer is empowered to leave the jurisdiction from which he derives his authority, it seems immaterial that he happens to cross another jurisdictional line within the State. The arrest cannot be made outside of the State of course.

Yours truly,

Cameron B. Littlejohn, Jr.  
Law Clerk

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