

1975 WL 29472 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1975

*1 Honorable Herbert Kirsh
Mayor Pro Tem
Town of Clover
Box 31
Clover, South Carolina 29710

Dear Mr. Mayor:

Thank you for your letter of January 28, 1975, asking if a local patrolman can obtain a State commission valid outside the Town limits.

I doubt very much that this can be done but I am frank to state that the law is not clear on the Issue. It still comes back to the problem of dual officeholding. You may be aware that I have attempted to have this passed upon by the Supreme Court so that problems such as yours can be solved, but they have, so far, refused to consider it. What is needed is a case involving a person who has actually been appointed to both jobs and a controversy concerning his status. While it may not be completely an answer, I do think that an Act of the Legislature authorizing city police to hold State commissions would help the problem somewhat. Such a statute should, however, be limited to patrolmen, as its extension to chiefs of police and other supervisory personnel could be contrary to a decision of the Supreme Court. That decision held that a chief of police was an officer and if he is an officer, he can only hold one office under the Constitution of this State.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

1975 WL 29472 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.