

1975 WL 29753 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1975

***1 In re: Dual Office Holding; Private Security Guard—Governor's Constable**

Honorable J. P. Strom
Chief
State Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29221

Dear Chief Strom:

You have inquired whether or not a private security guard licensed under Act 387 of 1973 may also hold the position of Governor's Constable without pay.

Under Section 13 of the Act, private security guards have full police power on the property they are hired to guard or on which they are employed to service in any other way. To this extent, they exercise to a degree some of the sovereign power of the State, and, therefore, are 'officers' within the meaning of Article 2, Section 2, Constitution of South Carolina.

In view of the foregoing, it is the opinion of this Office that a person may not hold the position of Governor's Constable without pay and private security guard [Act 387, 1973] at the same time.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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