

1974 WL 27615 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 29, 1974

\*1 The Honorable W. H. Simmons, Jr.  
Post Office Box 12226  
617 Riverland Drive  
Charleston, South Carolina 29412

Dear Judge Simmons:

You have recently posed the following question to this office:

Is it proper for police officers to use Section 16-105 of the 1962 Code of Laws of South Carolina in charging persons with interfering with police officers in the making of normal arrests for misdemeanors?

The answer to your question is yes. Section 16-105 of the 1962 Code of Laws states:

Any person who shall (a) hinder, prevent or obstruct any officer or other person charged with the execution of anyone or other process issued under the provisions of this article in arresting any person for whose apprehension such warrant or other process may have been issued . . . shall, on conviction for any such offense, be subject to a fine of not less than fifty nor more than one thousand dollars or imprisonment for not less than three months nor more than one year, or both, at the discretion of the court having jurisdiction.

It appears that the sole purpose for this article is to provide a penalty for those persons who may hinder an officer in implementing an arrest or to provide a penalty for those people who may harbor or conceal any person for whose arrest a warrant or other process shall have been issued.

Therefore, it is the opinion of this office that Section 16-105 of the 1962 Code of Laws is the proper section to use in charging persons with interfering with police officers in the making of normal arrests.

I hope that this sufficiently answers your question. If I can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

Hutson S. Davis, Jr.  
Assistant Attorney General

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