

1974 WL 27151 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 25, 1974

***1 RE: Conservation Officers (Game Wardens)**

Honorable Junior W. Pittman
Magistrate
Glassy Mountain Township
Route 2
Landrum, South Carolina 29356

Dear Judge Pittman:

Attorney General McLeod read with interest your letter of October 15, 1974, and referred it to me for reply. You asked whether game wardens have the authority to arrest without a warrant for the offense of possession of an unlawful weapon.

A Conservation Officer (game warden) is charged with the primary duty of enforcing the fish, game, commercial fishing, and boating laws of the State. By virtue of Code Section 28-140 and [Prosser v. Parsons, 245 S.C. 493, 141 S.E.2d 342 \(1965\)](#), however, they have all the power and authority held and exercised by constable at common law and under the statutes of this State. This means that they may arrest without a warrant for a felony and also for any misdemeanor committed in their presence.

Any complaint of improper behavior by a Conservation Officer should be directed to James W. Webb, Executive Director of the South Carolina Wildlife and Marine Resources Department, who will take appropriate action.

Without further factual information, I am unable to answer the question posed in your example no. 2

I hope this information will be helpful to you. Please contact me if I may be of further assistance.

Very truly yours,

Wade S. Kolb, Jr.
Staff Attorney

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