

1973 S.C. Op. Atty. Gen. 206 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3562, 1973 WL 21019

Office of the Attorney General

State of South Carolina

Opinion No. 3562

July 3, 1973

***1 In Re: Magistrates' Constables, Eligibility for Training in Criminal Justice Academy.**

Mr. Clifford A. Moyer
Executive Director
Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210

Dear Mr. Moyer:

You have inquired whether or not magistrates' constables are eligible for training at the Criminal Justice Academy under provisions of Section 53–41 et seq., 1962 Code of Laws of South Carolina, as amended.

It is the declared intent of the General Assembly to provide training for 'law enforcement officers and other persons employed in the criminal justice system in this State - - -.'

This Office has heretofore expressed the opinion that magistrates' constables are not law enforcement officers within the generally accepted meaning of that term, i.e. police officers with general police authority. They are, instead, officers of the courts of magistrate, appointed by the magistrate and with the duty of executing his lawful orders.

The term 'criminal justice system' is not defined in Section 53–41 et seq., and it appears that it has no generally accepted meaning so far as I can determine. Even if the term 'criminal justice system' does include the courts, resort must be had to the language of the Act, read in toto, in an effort to determine the intent of the General Assembly by provisions of the Act.

Although the Act refers briefly to 'other persons employed in the criminal justice system in this State', the entire thrust of the remaining portions of the Act is directed exclusively toward law enforcement officers. No member of the Training Council is a member of the judicial branch of government, whereas, seven members are heads of law enforcement agencies. The official name of the governing body of the Academy is 'South Carolina Law Enforcement Training Council'.

It is not likely that the Act would have no specific reference to members of the judiciary and court employees had it been intended to include that very important branch of government within the purview of the Act. The absence of such specific language supports the interpretation that the General Assembly intended it to apply to law enforcement officers and other designated persons within law enforcement agencies, such as technicians, dispatchers, and other such non-enforcement personnel.

In view of the foregoing, it is the opinion of this Office that the training of magistrates' constables was not contemplated by the Act creating the Criminal Justice Academy.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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