

1973 S.C. Op. Atty. Gen. 357 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3668, 1973 WL 21119

Office of the Attorney General

State of South Carolina

Opinion No. 3668

December 7, 1973

***1 In Re: (1) Arrest Warrants, Issuance and Service on Sunday (2) Offenses Against City Ordinances, Necessity of Countersigning by Magistrate**

Honorable David H. Maring
City Recorder
Andrews, South Carolina

Dear Judge Maring:
Reference is to your letter of November 28, 1973.

I.

MAY AN ARREST WARRANT BE ISSUED AND SERVED ON SUNDAY?

Any arrest warrant may be issued on Sunday, but it may not be served on Sunday unless it charges felony, liquor law violation, gambling, drug violation, or breach of peace. Section 17–259, 1962 Code of Laws of South Carolina, as amended.

II.

WHEN A CITY ORDINANCE HAS BEEN VIOLATED BY A NON-RESIDENT, MUST THE WARRANT BE SIGNED BY A MAGISTRATE?

An arrest warrant for violation of a city ordinance must be issued by the city court. No other court has jurisdiction to issue such a warrant.

When the defendant is not within the city limits, the warrant must be countersigned by a magistrates with jurisdiction where the defendant is, if the warrant is to be served outside the city limits. If it is to be served within city limits, no countersignature is needed—irrespective of the residence of the defendant. Section 43–221.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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