

1972 WL 25489 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 7, 1972

***1 Re: No. 57—Criminal**

Honorable James B. Stephen
Senator
Spartanburg County
220 Saratoga Avenue
Spartanburg, South Carolina

Dear Mr. Stephen:

You have requested that we advise you as to whether or not a patrolman must obtain an arrest warrant in order to confer jurisdiction upon a magistrate where the patrolman either takes the accused before a magistrate or incarcerates him. See Opinion No. 2130, 1966 OP. ATTY GEN. 254.

It is no longer necessary for a patrolman to obtain an arrest warrant in order for a magistrate to acquire jurisdiction in a case where the accused has either been taken before a magistrate or incarcerated by the arresting patrolman. On June 2, 1971, the General Assembly of the State of South Carolina enacted the following statute:

There shall be one uniform ticket used by all law enforcement officers . . . , the service of which shall vest all traffic courts with jurisdiction to hear and dispose of the charge for which such ticket was issued and served. . . . 57 STAT. Act No. 353 at 474 (1971) (emphasis added).

When a patrolman serves upon an arrestee a uniform traffic ticket, there is no need to obtain an arrest warrant inasmuch as the ticket constitutes the information that confers upon the magistrate the power to entertain the criminal action. Cf. CODE OF LAWS OF SOUTH CAROLINA § 43-111.

Sincerely,

C. Telbert Goolsby, Jr.
Daputy Attorney General

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